

SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

MADHURI PATEL, individually and on behalf  
of AMANDA HINGORANI, a  
developmentally disabled minor,

Plaintiff,

v.

KENT SCHOOL DISTRICT, a Washington  
municipal corporation; KENT YOUTH AND  
FAMILY SERVICES, a Washington  
corporation and healthcare provider; MARNEE  
CRAWFORD, a healthcare provider; and  
DENNIS BALLINGER, a healthcare provider,

Defendants.

No. 08-2-20671-8427

SUMMONS

DEFENDANT KENT SCHOOL  
DISTRICT

THE STATE OF WASHINGTON, TO:

**KENT SCHOOL DISTRICT**  
C/O BARBARA GROHE, SUPERINTENDANT  
12033 Southeast 256th  
Kent, Washington 98031  
**Phone:** (253) 373-7701  
**Fax:** (253) 373-7231

A lawsuit has been started against you in the above-entitled court by plaintiff. Plaintiff's  
claims are stated in the written complaint, a copy of which is served upon you with this  
summons.

SUMMONS - 1



HAGENS BERMAN  
SOBOL SHAPIRO LLP

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TELEPHONE (206) 623-7292 • FACSIMILE (206) 623-0594

1 In order to defend against this lawsuit, you must respond to the complaint by stating your  
 2 defense in writing and serve a copy upon the undersigned attorney for the plaintiff within 20  
 3 days after the service of this summons, excluding the day of service, or a default judgment may  
 4 be entered against you without notice. A default judgment is one where plaintiff is entitled to  
 5 what they ask for because you have not responded. If you serve a notice of appearance on the  
 6 undersigned attorney you are entitled to notice before a default judgment may be entered.

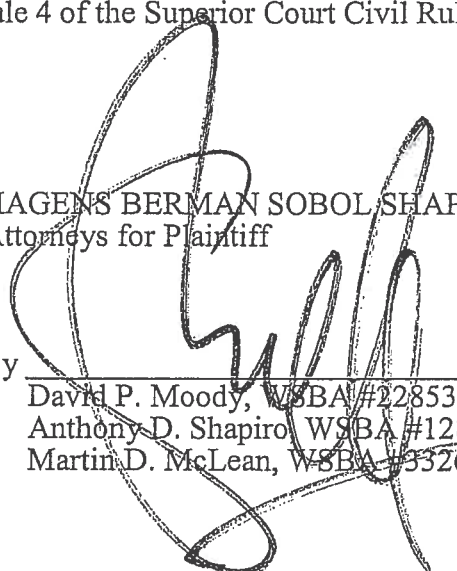
7 You may demand that plaintiff file this lawsuit with the court. If you do so, the demand  
 8 must be in writing and must be served upon the person signing this summons. Within fourteen  
 9 (14) days after you serve the demand, plaintiff must file this lawsuit with the court, or the service  
 10 on you of this Summons and Complaint will be void.

11 If you wish to seek the advice of an attorney in this matter, you should do so promptly so  
 12 that your written response, if any, may be served on time.

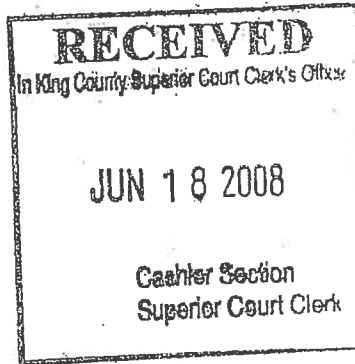
13 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State  
 14 of Washington.

15 DATED this 18<sup>th</sup> day of June, 2008.

HAGENS BERMAN SOBOL SHAPIRO LLP  
 Attorneys for Plaintiff

By   
 David P. Moody, WSBA #22853  
 Anthony D. Shapiro, WSBA #12824  
 Martin D. McLean, WSBA #33269

SUMMONS - 2



SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

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of AMANDA HINGORANI, a  
developmentally disabled minor,

Plaintiff,

v.

KENT SCHOOL DISTRICT, a Washington  
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CRAWFORD, a healthcare provider; and  
DENNIS BALLINGER, a healthcare provider,

Defendants.

No. **08-2-20671-8** **KAT**  
COMPLAINT FOR DAMAGES

COMES NOW plaintiff, individually and on behalf of her developmentally disabled  
minor child Amanda Hingorani, and alleges as follows.

I. INCORPORATION

1. By this reference, each paragraph contained herein is incorporated as support for  
each paragraph which follows.

COMPLAINT FOR DAMAGES - 1



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**II. PLAINTIFF**

2. Amanda Hingorani ("Amanda") is a developmentally disabled minor child.

3. Madhuri Patel ("Madhuri") is the custodial parent of Amanda and has provided regular support to Amanda within the meaning of RCW 4.24.010. Madhuri is pursuing claims individually and as representative of Amanda's person and estate.

**III. DEFENDANT KENT SCHOOL DISTRICT**

4. Defendant Kent School District ("Defendant KSD") is a municipal corporation located in King County, Washington. Defendant KSD operates Kentridge High School, which Amanda attended at all relevant times.

**IV. DEFENDANT KENT YOUTH AND FAMILY SERVICES**

5. Defendant Kent Youth and Family Services ("Defendant KYFS") is a corporation located in King County, Washington. Defendant KYFS provided professional counseling services to Amanda at all relevant times.

**V. DEFENDANT BALLINGER**

6. Defendant Dennis Ballinger ("Defendant Ballinger") was, at all times relevant, a health care provider and the Director of Defendant KYFS. Upon information and belief, Defendant Ballinger resides in King County, Washington.

**VI. DEFENDANT CRAWFORD**

7. Defendant Marnee Crawford ("Defendant Crawford") was, at all times relevant, a health care provider employed as a counselor for Defendant KYFS. Upon information and belief, Defendant Crawford resides in King County, Washington.

**VII. VENUE AND JURISDICTION**

8. A claim for damages was served on Defendant KSD on March 12, 2008, pursuant to RCW 4.96.020. Over sixty (60) days have passed since the Claim for Damages Form was served. Therefore, this Court has jurisdiction pursuant to RCW 4.96.

COMPLAINT FOR DAMAGES - 2



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9. A Notice of Intent to Sue was served on Defendant KYFS on January 17, 2008, pursuant to RCW 7.70.100. Over ninety (90) days have passed since the Notice of Intent to Sue was served. Therefore, this Court has jurisdiction, pursuant to RCW 7.70.100.

10. A Notice of Intent to Sue was served on Defendant Ballinger on January 17, 2008, pursuant to RCW 7.70.100. Over ninety (90) days have passed since the Notice of Intent to Sue was served. Therefore, this Court has jurisdiction, pursuant to RCW 7.70.100.

11. A Notice of Intent to Sue was served on Defendant Crawford on January 18, 2008, pursuant to RCW 7.70.100. Over ninety (90) days have passed since the Notice of Intent to Sue was served. Therefore, this Court has jurisdiction, pursuant to RCW 7.70.100.

12. Pursuant to RCW 7.70.150, the Complaint for Damages incorporates three Certificates of Merit supporting the allegations against Defendants Crawford, Ballinger and KYFS. *See*, Attachments A, B and C.

13. This court has jurisdiction over all claims against Defendants since the acts and omissions forming the basis of this Complaint occurred in King County, Washington.

14. Venue is proper in King County Superior Court because all or some of the Defendants reside in King County, Washington.

#### VIII. FACTUAL SUMMARY: KENT SCHOOL DISTRICT

15. Amanda has been a student in the Defendant KSD her entire academic career.

16. Amanda was first diagnosed by Defendant KSD with cognitive and intellectual delays when she was three years old.

17. Amanda has never received a Full Scale Intelligence Quotient ("FSIQ") higher than 71. Her lowest recorded FSIQ was 64.

18. Amanda has participated in the special education program since the 1st grade and has remained eligible for special education services throughout her academic career.

COMPLAINT FOR DAMAGES - 3



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19. In March 2006, while enrolled in the 9th Grade at Kentridge High School ("KHS"), Amanda was evaluated by Defendant KSD to assist in preparing her Individual Education Plan ("IEP").

20. The IEP for 2006 demonstrates that: (1) Amanda had a FSIQ of 68, placing her in the "extremely low" range for her age, in the bottom 2% of her peers; (2) Amanda scored a 71 on the Vineland Adaptive test, exceeding only 3% of her peers in social and behavioral skills; and (3) Amanda's adaptive and cognitive skills continued to be consistent with a person functioning in the range of mental retardation.

21. During the 2006 evaluation period, Madhuri specifically warned officials at KHS that Amanda often exhibited unsafe behaviors and required near constant supervision.

22. The staff at KHS acknowledged that "Amanda is not aware of the potential danger of situations and does not necessarily use caution when encountering risky social situations."

23. Shortly after Madhuri warned KHS, Amanda was subjected to several months of financial and sexual exploitation on school grounds, during school hours.

24. In April 2006, Madhuri found a note sent to Amanda from a classmate. The note provided instructions for Amanda to steal money from her mother's wallet in exchange for friendship, affection and sex.

25. Upon finding this letter, Madhuri contacted staff at KHS to discuss her concerns about Amanda being exploited. On April 26, 2006, Madhuri met with Assistant Principal Eric Hong, School Counselor Jeff Vanderport, and David Fowler (school security).

26. Assistant Principal Hong took no action regarding the incident because he was not convinced of the veracity of Madhuri's allegations.

27. Madhuri returned home and printed the emails. The emails retrieved by Madhuri revealed shocking and graphic examples of the exploitation suffered by Amanda while a student at KHS: (1) five months of graphic, threatening and demeaning emails sent by KHS students to

COMPLAINT FOR DAMAGES - 4



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1 Amanda; (2) financial extortion in exchange for attention, friendship and sex; and (3) clear  
 2 evidence that Amanda was the victim of repeated sexual victimization in the restrooms at KHS  
 3 during school hours.

4 28. Madhuri requested a second meeting with the administration at KHS.

5 29. On April 27, 2006, Madhuri provided KHS administration with the emails  
 6 documenting Amanda's exploitation.

7 30. Amanda was pulled from her mainstream classes and a "no contact" order was  
 8 implemented between Amanda and the other students involved. Madhuri removed Amanda from  
 9 KHS until an appropriate plan of supervision was established by KHS.

10 31. The plan of supervision required KHS to provide 1-on-1 supervision for Amanda  
 11 during school hours. This plan remained in effect for the remainder of Amanda's 9th grade year  
 12 (2005/06).

13 32. Despite clear knowledge that Amanda had been financially and sexually exploited  
 14 during her 9th grade year, Defendant KSD did not immediately continue the supervision plan  
 15 when Amanda returned in Fall 2006 to begin her 10th grade year.

16 33. As a result of Defendant KSD's unilateral discontinuance of the supervision plan,  
 17 Madhuri requested a meeting to ensure that KHS provided adequate safety for her disabled  
 18 daughter.

19 34. On September 13, 2006, a meeting was held between Madhuri and KHS  
 20 administrators. KHS was specifically advised that "there were reasons to be concerned with  
 21 Amanda's safety if she was left in any unsupervised times. This included lunch, passing times,  
 22 *and especially bathroom time.*"

23 35. A second meeting was held on October 17, 2006 between Madhuri and KHS  
 24 administrators. Issues discussed included: (1) Madhuri's concerns that Amanda's personal  
 25 safety was in danger in light of the financial and sexual exploitation which occurred during her  
 26 9th grade year; (2) Madhuri's warnings that Amanda remained vulnerable to exploitation and

COMPLAINT FOR DAMAGES - 5



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1 was easily taken advantage of; (3) Amanda's inability to know right from wrong; and  
2 (4) Amanda's inability to make safe decisions.

3 36. Madhuri requested that the supervision plan instituted by Defendant KSD at the  
4 end of Amanda's 9th grade year be re-instituted for Amanda's 10th grade year.

5 37. Defendant KSD specifically acknowledged that, "Amanda is vulnerability [sic] to  
6 exploitation as file records indicate." Accordingly, the administrators at KHS agreed with  
7 Madhuri and reimplemented the 1-on-1 supervision plan. "In this way, staff is able to provide  
8 the safety and close monitoring needed."

9 38. Madhuri remained in close contact with Amanda's teachers in an effort to monitor  
10 Amanda's academic progress and safety. Madhuri was aware of Amanda's homework  
11 assignments and extracurricular activities at school.

12 39. KHS told Madhuri that while Amanda was receiving special education  
13 instruction, at least three adults were present in the classroom. These adults included Francine  
14 Wilhelm ("Ms. Wilhelm") (Amanda's special education instructor) and two additional classroom  
15 aides.

16 40. Additionally, Madhuri was assured that Amanda was required to use a restroom  
17 specifically designated for use only by the special education students.

18 41. In early Spring 2007, the supervision provided by KHS began to unravel.

19 42. By late April 2007, KHS had completely abdicated its responsibility to protect  
20 and supervise Amanda, its vulnerable, mentally retarded student. While Amanda's special  
21 education teacher and the classroom aides failed to provide supervision, Amanda was raped in  
22 the special education bathroom, during class, on many occasions.

23 43. In early March 2007, Amanda's special education teachers were keenly aware of  
24 Amanda's need for safety. On March 1, 2007, two special education teachers at KHS  
25 (Ms. Baldan and Ms. Wilhelm) specifically discussed the fact that a new boy was added to  
26

COMPLAINT FOR DAMAGES - 6



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1 Amanda's special education class, writing "I noticed Amanda Hingorani was VERY aware of his  
2 presence."

3 44. KHS' understanding of its obligation to supervise Amanda was underscored on  
4 April 4, 2007 when Ms. Wilhelm acknowledged that "The agreement we have with Hingorani's  
5 mom is that [Amanda] be supervised at all times."

6 45. In Spring 2007, KHS abandoned and failed in its efforts to protect Amanda.

7 46. On April 30, 2007, the KHS Special Education Department Head, Ms. Grajewski,  
8 sent an exclamatory message to Ms. Wilhelm, "contact Amanda's mom and alert her about the  
9 bathroom incident! This is serious."

10 47. On April 30, 2007, Ms. Wilhelm sent an email to Madhuri regarding an incident  
11 involving Amanda and another special education student. Ms. Wilhelm wrote, "I have a report  
12 of some seriousness."

13 48. However, Ms. Wilhelm's email lacked detail. She informed Madhuri that, a few  
14 days earlier, Ms. Wilhelm caught "M" sneaking out of class immediately after Amanda left to  
15 use the restroom. Ms. Wilhelm "assume[d] that [Amanda] may have been about to repeat some  
16 of the same behaviors in our bathroom with "M" that she engaged in last year."

17 49. Despite the lack of detail in Ms. Wilhelm's email, Madhuri became very  
18 concerned by the lackadaisical supervision provided by KHS. —

19 50. Madhuri questioned Amanda about the incident. Amanda told her mother that  
20 "Matt" had sex with her in the boy's bathroom located immediately next door to Ms. Wilhelm's  
21 self-contained special education classroom. Later that day, Amanda revealed that Matt had sex  
22 with her in the boys' bathroom on several occasions during Ms. Wilhelm's third period class.

23 51. On May 2, 2007, Madhuri wrote to KHS Principal Mike Albrecht. She reminded  
24 him of her many meetings and discussions concerning her disabled daughter's safety at KHS. "If  
25 you remember last year I came to talk with you to get problems assessed and provide supervision  
26 Amanda needed while attending school . . . I met with teachers/special ED manager . . . many

COMPLAINT FOR DAMAGES - 7



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1 subsequent follow up . . . to have close supervision over my daughter due to her  
2 cognitive/intellectual deficits.”

3 52. Madhuri advised Mr. Albrecht that while KHS failed to provide supervision for  
4 her daughter, Amanda was sexually victimized during Ms. Wilhelm’s third period class.  
5 Madhuri concluded her email with this:

6 I feel school has not provided supervision she needs. She is a  
7 minor cannot consent, she has poor cognition she cannot consent,  
8 knowing Amanda has history with school with similar situation  
9 before why teacher would let her go to bathroom alone when thus  
has been requests to be watched over and over. I do not feel  
school is doing enough to keep her safe. I am taking my daughter  
out of school till I am reassured of her safety.

10 53. On May 2, 2007, Mr. Albrecht immediately forwarded the email he received from  
11 Madhuri to his Vice Principal (Ms. Edwards) and the Chair of the Special Education Department  
12 (Ms. Grajewski). Mr. Albrecht simply wrote, “See me.”

13 54. On May 2, 2007, after writing to Mr. Albrecht, Madhuri also wrote to  
14 Ms. Wilhelm. “Francine, I am in shock. Amanda will not come back to school till these issues  
15 are worked out/alternative plans are made. I have sent an e-mail to principal today regarding  
16 this.” Ms. Wilhelm immediately forwarded Madhuri’s email to Vice Principal Edwards.

17 55. Later that afternoon, Ms. Grajewski (Chair, Special Education Department) wrote  
18 to Principal Albrecht and Vice Principal Edwards. In her email, Ms. Grajewski warned that “this  
19 could be a HUGE issue with [Ms. Wilhelm].”

20 56. Ms. Grajewski acknowledged that she and Ms. Edwards met with Madhuri  
21 “numerous times” and that “[Ms. Wilhelm] was instructed to have an [instructional aide] with  
22 Amanda at all times.” Principal Albrecht agreed, writing “I thought that Amanda was under  
23 complete adult supervision throughout the entire day.”

24 57. Vice Principal Edwards also expressed her belief that “we were under the  
25 impression that Amanda was under complete adult supervision throughout her school day.”  
26

COMPLAINT FOR DAMAGES - 8



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58. By the end of the day on May 2, 2007, Mr. Albrecht, Ms. Edwards, Ms. Wilhelm and Ms. Grajewski each had knowledge that one of the mentally retarded, special education students at KHS had allegedly been sexually victimized in the bathroom during school hours. None of these administrators, nor anyone else at KHS, called law enforcement or fulfilled their legal duties as mandatory reporters.

59. On May 5, 2007, Madhuri contacted the King County Sherriff's Department to report her disabled daughter's sexual victimization. The King County Sherriff's office obtained a statement from Matt Mills ("Mr. Mills"), the student who participated in Amanda's sexual victimization. The statement is graphic and clear.

60. Mr. Mills admitted that he "had sexual relations with Amanda at least five times" between the months of March and April 2007 in the bathroom located next to Ms. Wilhelm's classroom.

61. Mr. Mills admitted that Amanda was repeated sexually victimized ("I would pull her pants and panties down . . . I would then pull my pants down and have Amanda bend over where her back was toward me . . . place my penis into her anus . . .") during third period at KHS while under the supervision of the KHS Special Education Department, specifically Ms. Wilhelm and her aides.

62. In an email dated May 3, 2007, Ms. Wilhelm acknowledges that the restroom in which Mr. Mills admits to engaging in sex acts with Amanda "is right next door to the classroom." Ms. Wilhelm admits that "Not one of the three adults in the class had any inkling of what was going on."

63. It is believed that Ms. Wilhelm's third period class was comprised of only seven special education students, with three instructors.

64. To summarize, Amanda was the victim of multiple instances of sexual, physical and financial exploitation, all during school hours, while a special education student at KHS. This victimization was allowed to occur despite KHS' duty to provide "safety and close

COMPLAINT FOR DAMAGES - 9



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1 monitoring” for Amanda and a clear recognition on the part of Defendant KSD of Amanda’s  
 2 profound vulnerabilities and despite multiple, clear and consistent warnings provided by  
 3 Amanda’s mother.

4 65. At all times relevant hereto, Defendant KSD and its employees had a mandatory  
 5 duty to report suspected child abuse or neglect pursuant to RCW 26.44 *et seq.*

6 **IX. FACTUAL SUMMARY: KENT YOUTH & FAMILY SERVICES**

7 66. As a result of the financial and sexual exploitation suffered by Amanda during her  
 8 ninth grade year at KHS, Madhuri sought professional counseling for both Amanda and herself.

9 67. Jeff Vanderport, school counselor for KHS, referred Madhuri and Amanda to  
 10 Defendant KYFS in April 2006.

11 68. Defendant KYFS’ website states that it “provides professional counseling,  
 12 education and support services to children, youth and their families in our community,  
 13 developing innovative programs that meet the evolving challenges of our diverse community in  
 14 culturally sensitive ways.”

15 69. Amanda and Madhuri’s counseling at Defendant KYFS commenced on or about  
 16 May 31, 2006.

17 70. The counselor at Defendant KYFS working most directly with Amanda and  
 18 Madhuri was Defendant Crawford.

19 71. Defendant KYFS’ “Intake Data Form” prepared by Defendant Crawford  
 20 recognizes that Amanda has developmental disabilities.

21 72. During her initial evaluation, Defendant Crawford notes that Amanda suffers  
 22 from mental retardation.

23 73. Defendant Crawford also learned that Amanda had suffered financial and sexual  
 24 exploitation at KHS for several months before treating with Defendant KYFS.

25 74. After their initial meeting with Defendant Crawford on May 31, 2006, Amanda  
 26 and Madhuri participated in counseling on a weekly basis at Defendant KYFS.

COMPLAINT FOR DAMAGES - 10



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1           75.     On June 6, 2006, Madhuri signed a release authorizing the exchange of  
2 confidential information between the Defendant KYFS and Defendant KSD. This release  
3 authorized the exchange of all psychological and counseling records for Amanda between  
4 Defendant KYFS and Defendant KSD.

5           76.     Within weeks of starting treatment, Defendant KYFS, Defendant Crawford and  
6 Defendant Ballinger discovered that the sexual exploitation of Amanda was continuing on school  
7 grounds, during school hours, at KHS.

8           77.     On June 14, 2006, Defendant Crawford's notes reflect that Amanda was "having  
9 sex with Eric in the bathroom at school."

10          78.     Defendant Crawford's notes from this session state that "Erik" wanted Amanda to  
11 begin having anal sex and that, "Clinician and 'A' talked about anal sex as Amanda had no idea  
12 what it is or means."

13          79.     Defendant Crawford's June 14, 2006 notes further reflect the "need to get  
14 supervision on A's sexual bx."

15          80.     After learning that Amanda was still being sexually exploited during school hours  
16 at KHS, Defendant Crawford consulted with her supervisor, Defendant Ballinger.

17          81.     Defendant Ballinger claimed that neither Child Protective Services ("CPS") nor  
18 KHS could be informed that Amanda was being sexually exploited at KHS during school hours.

19          82.     Defendant Ballinger, Defendant Crawford and Defendant KYFS failed to tell  
20 anyone that Amanda was being sexually exploited at KHS.

21          83.     Defendant KYFS, Defendant Ballinger and Defendant Crawford had, at all times  
22 relevant hereto, a mandatory duty to report suspected child abuse or neglect pursuant to RCW  
23 26.44 *et seq.*

24          84.     Defendant KYFS, Defendant Ballinger and Defendant Crawford failed to contact  
25 CPS or law enforcement after learning that Amanda was being sexually exploited during school  
26 hours at KHS.

COMPLAINT FOR DAMAGES - 11



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85. Despite having a valid release authorizing the exchange of information Defendant KYFS, Defendant Ballinger and Defendant Crawford failed to notify KHS that Amanda was being sexually exploited repeatedly during school hours.

86. Defendant Crawford's notes from June 21, 2006 reflect that "A and clinician talked over what the money and sex relationship with Eric mean and whether A knows what being used or exploited means."

87. On June 28, 2006, Defendant Crawford's counseling notes indicate that Amanda was exploited by another boy, Matt, who had posted nude photos of Amanda on the internet. Defendant Crawford's notes for this session indicate that "A lacks insight into exploitation, indecency and internet privacy/danger issues."

88. Despite the intervening summer break, Amanda and Madhuri continued counseling at KYFS. On July 19, 2006, Defendant Crawford's notes indicate that Amanda still wanted to see Eric and would have sex with him again in the school bathroom if left unsupervised.

89. Defendant Crawford's notes from this July 19, 2006 session reflect her opinion that, "Amanda is mirroring her mother's level of cultural misbehavior with men on a second generation immigrant scale. Mahduri may need to sort out her own sexual shame and history before she can be available to Amanda."

90. On July 25, 2006, Defendant Crawford took Amanda (age 15) to the "Teen Clinic" to make an appointment for obtaining birth control services.

91. On August 16, 2006, during a counseling session at Defendant KYFS, Defendant Crawford took Amanda to the "Teen Clinic" where Amanda was injected with "Depo" a hormonal form of birth control. Amanda was also coached regarding the appropriate way to use a condom.

92. Defendant Crawford did not inform Madhuri that her mentally disabled daughter, Amanda, would be taken to the Teen Clinic to obtain birth control services.

COMPLAINT FOR DAMAGES - 12



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1 93. During the very next counseling session, on April 23, 2006, Defendant Crawford  
2 remarked that "A has very poor insight."

3 94. On September 13, 2006, Defendant Crawford participated in a meeting with  
4 Defendant KSD to discuss whether one-on-one supervision of Amanda was necessary during  
5 school hours at KHS.

6 95. Defendant KSD staff members participating in this September 13, 2006 meeting  
7 with Defendant Crawford were Jeff Vanderport, Sally McLurg, Francine Wilhelm, Kim Edwards  
8 and Jennifer Grajewski.

9 96. Defendant Crawford told the group that Amanda required heightened supervision  
10 to avoid the possibility of being "exploited again." Defendant Crawford indicated that Amanda  
11 was vulnerable to exploitation, especially while using the bathroom.

12 97. At this September 13, 2006 meeting, Defendant Crawford refused to disclose that  
13 Amanda was being sexually exploited in the restrooms of KHS during school hours.

14 98. Defendant Crawford's October 17, 2006 notes reflect that Amanda was engaging  
15 in "recent sexual behavior in the bathrooms at school."

16 99. On October 17, 2006, the school staff of KHS met with Defendant Crawford to  
17 determine why Defendant Crawford believed Amanda needed closer supervision.

18 100. Defendant Crawford refused to disclose Amanda's ongoing sexual exploitation  
19 occurring in the bathrooms at KHS.

20 101. In January of 2007, Defendant Crawford ended her employment with Defendant  
21 KYFS.

22 102. Amanda and Madhuri stopped counseling with Defendant KYFS approximately  
23 three months later.  
24  
25  
26

COMPLAINT FOR DAMAGES - 13



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**X. FIRST CAUSE OF ACTION:**

**DEFENDANT KSD'S NEGLIGENCE**

103. Defendant KSD had a non-delegable duty to take reasonable steps to ensure the safety and well-being of its students, including Amanda.

104. Through its acts and omissions, Defendant KSD failed to act reasonably by not: (1) establishing programs, protocols, and rules to ensure the safety of special education students; (2) monitoring Kentridge High School special education students in general; (3) monitoring the behavior of Matthew Mills, Matt Salsbury, Eric Warner, Tayana Bryant and Amanda Hedstrom in particular; (4) providing a safe learning environment at Kentridge High School for Amanda; (5) securing and/or monitoring classrooms and restrooms during school hours to ensure that inappropriate behavior was prevented; and (6) taking necessary safety measures to ensure that inappropriate behavior, assaults and injury were prevented. By its acts and omissions, Defendant KSD breached its duty of reasonable care and is liable for negligence.

105. As a direct and proximate result of the negligence of Defendant KSD, plaintiff sustained serious and permanent damages in an amount to be proven at trial.

**XI. SECOND CAUSE OF ACTION:**

**DEFENDANT KYFS' NEGLIGENCE**

106. Defendant KYFS had a non-delegable duty to provide counseling services according to the applicable standard of care for health care professionals providing professional counseling and/or therapy.

107. Defendant KYFS breached its non-delegable duty by providing professional counseling and/or therapy that was below the applicable standard of care and is therefore negligent.

108. As a direct and proximate result of Defendant KYFS' negligence, plaintiff has sustained profound and permanent damages.

COMPLAINT FOR DAMAGES - 14



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**XII. THIRD CAUSE OF ACTION:**

**DEFENDANT CRAWFORD'S NEGLIGENCE**

109. Defendant Crawford had a non-delegable duty to provide counseling services according to the applicable standard of care for health care professionals providing professional counseling and/or therapy.

110. Defendant Crawford breached her non-delegable duty by providing professional counseling and/or therapy that was below the applicable standard of care and is therefore negligent.

111. As a direct and proximate result of Defendant Crawford's negligence, plaintiff has sustained profound and permanent damages.

**XIII. FOURTH CAUSE OF ACTION:**

**DEFENDANT BALLINGER'S NEGLIGENCE**

112. Defendant Ballinger had a non-delegable duty to provide counseling services according to the applicable standard of care for health care professionals providing professional counseling and/or therapy.

113. Defendant Ballinger breached his non-delegable duty by providing professional counseling and/or therapy that was below the applicable standard of care and is therefore negligent.

114. As a direct and proximate result of Defendant Ballinger's negligence, plaintiff has sustained profound and permanent damages.

**XIV. FIFTH CAUSE OF ACTION: RCW 4.24.010**

115. Madhuri is the custodial and biological parent of Amanda and has provided regular support to Amanda throughout her life.



1 116. The injuries and damages sustained by Amanda as a result of the negligent acts  
2 and omissions of defendants occurred while Amanda was a minor. Therefore, defendants are  
3 liable to Madhuri pursuant to RCW 4.24.010.

4 117. As a direct and proximate result of the negligent acts and omissions of  
5 Defendants, Madhuri has sustained special and general damages in an amount to be proven at  
6 trial.

7 **XV. SIXTH CAUSE OF ACTION: RCW 26.44. *ET SEQ.***

8 118. Each and every Defendant had, at all time relevant, an independent, non-delegable  
9 and mandatory duty to report each instance of suspected exploitation, abuse and/or neglect  
10 suffered by Amanda to proper law enforcement and/or the Department of Social and Health  
11 Services.

12 119. Each and every Defendant breached their independent, non-delegable and  
13 mandatory duty by failing to report each instance of suspected exploitation, abuse and/or neglect  
14 suffered by Amanda to proper law enforcement and/or the Department of Social and Health  
15 Services.

16 120. As a direct and proximate result of the negligent acts and omissions of  
17 Defendants, plaintiff has sustained profound and permanent damages in an amount to be proven  
18 at trial.

19 **XVI. PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff Madhuri, individually and on behalf of Amanda, prays for  
21 judgment as follows:

22 A. For all general and special damages sustained as a result of Defendant KSD's  
23 negligent acts and omissions as alleged above;

24 B. For all general and special damages sustained as a result of Defendant KYFS'  
25 negligent acts and omissions as alleged above;  
26

20  
COMPLAINT FOR DAMAGES - 16



HAGENS BERMAN  
SOBOL SHAPIRO LLP

1301 FIFTH AVENUE, SUITE 2900 • SEATTLE, WA 98101  
TELEPHONE (206) 623-7292 • FACSIMILE (206) 623-0594

1 C. For all general and special damages sustained as a result of Defendant Crawford's  
2 negligent acts and omissions as alleged above;

3 D. For all general and special damages sustained as a result of Defendant Ballinger's  
4 negligent acts and omissions as alleged above;

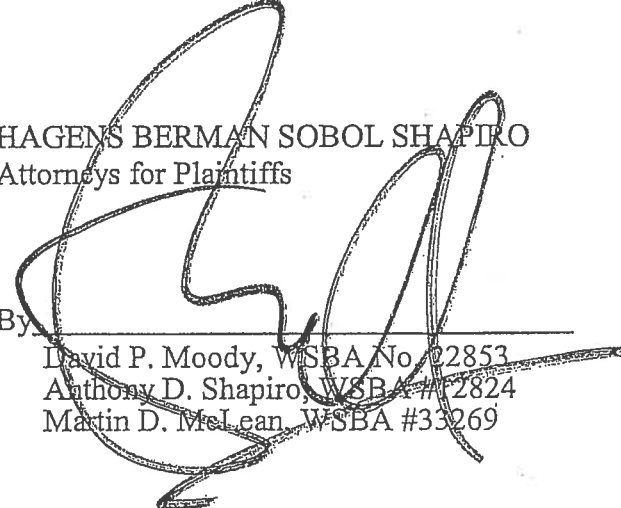
5 E. For all general and special damages allowed pursuant to RCW 4.24.010;

6 F. Prejudgment interest; and

7 E. Any additional relief that the Court deems just.

8 Dated this 18<sup>th</sup> day of June, 2008.

9  
10 Hagens Berman Sobol Shapiro  
11 Attorneys for Plaintiffs

12  
13 By   
14 David P. Moody, WSBA No. 02853  
15 Anthony D. Shapiro, WSBA # 02824  
16 Martin D. McLean, WSBA #33269

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COMPLAINT FOR DAMAGES - 17



HAGENS BERMAN  
SOBOL SHAPIRO LLP

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TELEPHONE (206) 623-7292 • FACSIMILE (206) 623-0594

Exhibit A



CERTIFICATE OF MERIT OF DR. G. ANDREW H. BENJAMIN, J.D., Ph.D.

Dr. G. Andrew H. Benjamin, J.D., Ph.D., certifies the following in support of the health care negligence claims of Madhuri Patel and Amanda Hingorani against Marnee Crawford.

1. I am a clinical psychologist licensed to practice in the State of Washington. In 1982, I received my Master of Arts in Clinical Psychology and Law Psychology from the University of Arizona. In 1985, I received my doctorate in Clinical Psychology and Law Psychology from the University of Arizona. In 1985, I completed my internship in Clinical psychology at the Department of Psychiatry and Behavioral Sciences, University of Washington School of Medicine.

2. I am a licensed attorney in Arizona. In 1984, I receiving my Juris Doctor from the University of Arizona.

3. I have been an Acting Assistant Professor, 1985 to 1992, a Clinical Associate Professor, 1992 to 1997, and a Clinical Professor, 1997 to 2003, at the University of Washington. I have also been the Director of the Parenting Evaluation Treatment Program from 1989 to the present, also with the University of Washington. I have been an Affiliate Professor from 1997 to the present with the University of Washington School of Law. From 2002 to the present, I have been an Adjunct Professor with the Department of Education, Seattle University. Since receiving an applied research grant in 2004 to develop and implement a clinical psychology doctoral program for Antioch University in Seattle, I briefly served as the Dean of Doctoral Psychology in 2006 and ended my appointment as a Senior Research Professor at the Antioch University Department of Psychology in 2008.

4. In 1992, I was elected as "Professional of the Year" by the Washington State Bar Association, Family Law Section, for developing and implementing both the University of

Washington's Parental Evaluation Training Program and the Washington State Bar Association's Lawyer Assistance Program. In 1999, I was honored for "outstanding and tireless contributions to the Washington State Psychology Association (WSPA)." As a result, WSPA created the G. Andrew H. Benjamin Award given every two years to honor a psychologist who distinguish him/herself on behalf of psychologists and their clients. In 2001, I was honored for "Excellence in Mentorship" by the class of 2001 Psychology Residents, University of Washington School of Medicine, Department of Psychiatry and Behavioral Sciences. In 2003, I was awarded the Heiser Award for an outstanding record of public service and advocacy in numerous areas of professional activity by the American Psychology Association.

5. In addition to my clinical practice and educational responsibilities, I have authored numerous scholarly authors related to clinical and behavioral psychology. From 1999 through 2006, I was elected to the American Psychological Association Council of Representatives, representing the State of Washington. I was also elected and served as a member of the Policy and Planning Board of the American Psychological Association from 2004 through 2006, acting as the chair for 2006.

6. In 1997, I served as President of the Washington State Psychology and was elected to its executive committee from 1996 through 1999. I have acted as a Consultant to the Ethics Committee for the Washington State Psychological Association from 1995 to the present. From 1998 to the present, I have been a Council Member of the Washington State Psychology Association

7. As a result of my education, training and experience, I am familiar with the standard of care in the State of Washington for a reasonable and prudent health care provider providing professional counseling and/or therapy, such as Marnee Crawford. I have reviewed

records relating to the counseling services provided by Marnee Crawford to Amanda Hingorani and Madhuri Patel.

8. Based upon my professional education, training and experience, and the records I have reviewed, it is my opinion that the professional counseling and/or therapy provided by Marnee Crawford to Amanda Hingorani and Madhuri Patel, was negligent and far below the standard of care.

Dated this 21<sup>st</sup> day of May, 2008.

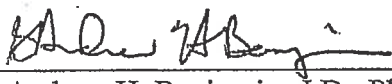
  
\_\_\_\_\_  
G. Andrew H. Benjamin, J.D., Ph.D.

Exhibit B

CERTIFICATE OF MERIT OF DR. G. ANDREW H. BENJAMIN, J.D., Ph.D.

Dr. G. Andrew H. Benjamin, J.D., Ph.D., certifies the following in support of the health care negligence claims of Madhuri Patel and Amanda Hingorani against Dennis Ballinger.

1. I am a clinical psychologist licensed to practice in the State of Washington. In 1982, I received my Master of Arts in Clinical Psychology and Law Psychology from the University of Arizona. In 1985, I received my doctorate in Clinical Psychology and Law Psychology from the University of Arizona. In 1985, I completed my internship in Clinical psychology at the Department of Psychiatry and Behavioral Sciences, University of Washington School of Medicine.

2. I am a licensed attorney in Arizona. In 1984, I receiving my Juris Doctor from the University of Arizona.

3. I have been an Acting Assistant Professor, 1985 to 1992, a Clinical Associate Professor, 1992 to 1997, and a Clinical Professor, 1997 to 2003, at the University of Washington. I have also been the Director of the Parenting Evaluation Treatment Program from 1989 to the present, also with the University of Washington. I have been an Affiliate Professor from 1997 to the present with the University of Washington School of Law. From 2002 to the present, I have been an Adjunct Professor with the Department of Education, Seattle University. Since receiving an applied research grant in 2004 to develop and implement a clinical psychology doctoral program for Antioch University in Seattle, I briefly served as the Dean of Doctoral Psychology in 2006 and ended my appointment as a Senior Research Professor at the Antioch University Department of Psychology in 2008.

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records relating to the counseling services provided by Dennis Ballinger to Amanda Hingorani and Madhuri Patel.

8. Based upon my professional education, training and experience, and the records I have reviewed, it is my opinion that the professional counseling and/or therapy provided by Dennis Ballinger to Amanda Hingorani and Madhuri Patel, was negligent and far below the standard of care.

Dated this 21<sup>st</sup> day of May, 2008.


  
\_\_\_\_\_  
G. Andrew H. Benjamin, J.D., Ph.D.

Exhibit C

CERTIFICATE OF MERIT OF DR. G. ANDREW H. BENJAMIN, J.D., Ph.D.

Dr. G. Andrew H. Benjamin, J.D., Ph.D., certifies the following in support of the health care negligence claims of Madhuri Patel and Amanda Hingorani against Kent Youth and Family Services.

1. I am a clinical psychologist licensed to practice in the State of Washington. In 1982, I received my Master of Arts in Clinical Psychology and Law Psychology from the University of Arizona. In 1985, I received my doctorate in Clinical Psychology and Law Psychology from the University of Arizona. In 1985, I completed my internship in Clinical psychology at the Department of Psychiatry and Behavioral Sciences, University of Washington School of Medicine.
2. I am a licensed attorney in Arizona. In 1984, I received my Juris Doctor from the University of Arizona.
3. I have been an Acting Assistant Professor, 1985 to 1992, a Clinical Associate Professor, 1992 to 1997, and a Clinical Professor, 1997 to 2003, at the University of Washington. I have also been the Director of the Parenting Evaluation Treatment Program from 1989 to the present, also with the University of Washington. I have been an Affiliate Professor from 1997 to the present with the University of Washington School of Law. From 2002 to the present, I have been an Adjunct Professor with the Department of Education, Seattle University. Since receiving an applied research grant in 2004 to develop and implement a clinical psychology doctoral program for Antioch University in Seattle, I briefly served as the Dean of Doctoral Psychology in 2006 and ended my appointment as a Senior Research Professor at the Antioch University Department of Psychology in 2008.

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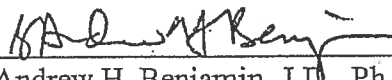
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7. As a result of my education, training and experience, I am familiar with the standard of care in the State of Washington for a reasonable and prudent health care provider providing professional counseling and/or therapy, such as Kent Youth and Family Services. I have reviewed records relating to the counseling services provided by Kent Youth and Family Services to Amanda Hingorani and Madhuri Patel.

8. Based upon my professional education, training and experience, and the records I have reviewed, it is my opinion that the professional counseling and/or therapy provided by Kent Youth and Family Services to Amanda Hingorani and Madhuri Patel, was negligent and far below the standard of care.

Dated this 21<sup>st</sup> day of May, 2008.

  
\_\_\_\_\_  
G. Andrew H. Benjamin, J.D., Ph.D.

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING**

MADHURI PATEL, ET AL

NO. 08-2-20671-8 KNT

Order Setting Civil Case Schedule (\*ORSCS)

vs

Plaintiff(s)

KENT SCHOOL DISTRICT, ET AL

ASSIGNED JUDGE Prochnau 7

FILE DATE: 06/18/2008

Defendant(s)

TRIAL DATE: 12/07/2009

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

**I. NOTICES**

**NOTICE TO PLAINTIFF:** The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the **Schedule** on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The **Schedule** may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

*"I understand that I am required to give a copy of these documents to all parties in this case."*

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 Print Name

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 Sign Name



## I. NOTICES (continued)

**NOTICE TO ALL PARTIES:**

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLR] -- especially those referred to in this **Schedule**. In order to comply with the **Schedule**, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLR 26], and for meeting the discovery cutoff date [See KCLR 37(g)].

**CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:**

A filing fee of **\$200** must be paid when any answer that includes additional claims is filed in an existing case.

**SHOW CAUSE HEARINGS FOR CIVIL CASES** [King County Local Rule 4(g)]

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. A review of the case will be undertaken to confirm service of the original complaint. A *Show Cause Hearing* will be set before the Chief Civil or RJC judge if needed. The Order to Show Cause will be mailed to the plaintiff(s) or counsel to attend.

**PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:**

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this **Schedule** are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

**If you miss your scheduled Trial Date**, the Superior Court Clerk is authorized by KCLR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

**NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:**

*All parties to this action must keep the court informed of their addresses.* When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

**ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:**

A Statement of Arbitrability must be filed by the deadline on the schedule **if the case is subject to mandatory arbitration** and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. **Any party filing a Statement must pay a \$220 arbitration fee.** If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

**NOTICE OF NON-COMPLIANCE FEES:**

All parties will be assessed a fee authorized by King County Code 4.71.050 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Rule 41.

King County Local Rules are available for viewing at [www.metrokc.gov/kcsccl](http://www.metrokc.gov/kcsccl).

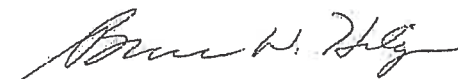
## II. CASE SCHEDULE

CASE EVENT	DEADLINE or EVENT DATE	Filing Needed
Case Filed and Schedule Issued.	Wed 06/18/2008	*
Confirmation of Service [See KCLR 4.1].	Wed 07/16/2008	*
Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR 2.1(a) and Notices on Page 2]. <b>\$220 arbitration fee must be paid</b>	Wed 11/26/2008	*
<b>DEADLINE</b> to file Confirmation of Joinder if not subject to Arbitration. [See KCLR 4.2(a) and Notices on Page 2]. <b>Show Cause hearing will be set if Confirmation is not filed or Box 2 is checked.</b>	Wed 11/26/2008	*
<b>DEADLINE</b> for Hearing Motions to Change Case Assignment Area. [See KCLR 82(e)]	Wed 12/10/2008	
<b>DEADLINE</b> for Disclosure of Possible Primary Witnesses [See KCLR 26(b)].	Tue 07/07/2009	
<b>DEADLINE</b> for Disclosure of Possible Additional Witnesses [See KCLR 26(b)].	Mon 08/17/2009	
<b>DEADLINE</b> for Jury Demand [See KCLR 38(b)(2)].	Mon 08/31/2009	*
<b>DEADLINE</b> for Setting Motion for a Change in Trial Date [See KCLR 40(e)(2)].	Mon 08/31/2009	*
<b>DEADLINE</b> for Discovery Cutoff [See KCLR 37(g)].	Mon 10/19/2009	
<b>DEADLINE</b> for Engaging in Alternative Dispute Resolution [See KCLR 16(c)].	Mon 11/09/2009	
<b>DEADLINE</b> for Exchange Witness & Exhibit Lists & Documentary Exhibits [See KCLR 16(a)(4)].	Mon 11/16/2009	
<b>DEADLINE</b> to file Joint Confirmation of Trial Readiness [See KCLR 16(a)(2)].	Mon 11/16/2009	*
<b>DEADLINE</b> for Hearing Dispositive Pretrial Motions [See KCLR 56; CR 56].	Mon 11/23/2009	
Joint Statement of Evidence [See KCLR 16(a)(5)].	Mon 11/30/2009	*
Trial Date [See KCLR 40].	Mon 12/07/2009	

## III. ORDER

Pursuant to King County Local Rule 4 [KCLR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action must serve this Order Setting Civil Case Schedule and attachment on all other parties.

DATED: 06/18/2008



PRESIDING JUDGE

IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

READ THIS ORDER PRIOR TO CONTACTING YOUR ASSIGNED JUDGE

This case is assigned to the Superior Court Judge whose name appears in the caption of this *Schedule*. The assigned Superior Court Judge will preside over and manage this case for all pre-trial matters.

**COMPLEX LITIGATION:** If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

The following procedures hereafter apply to the processing of this case:

**APPLICABLE RULES:**

a. Except as specifically modified below, all the provisions of King County Local Rules 4 through-26 shall apply to the processing of civil cases before Superior Court Judges.

**CASE SCHEDULE AND REQUIREMENTS:**

A. Show Cause Hearing: A Show Cause Hearing will be held before the Chief Civil/Chief RJC judge if the case does not have confirmation of service on all parties, answers to all claims, crossclaims, or counterclaims as well as the confirmation of joinder or statement of arbitrability filed before the deadline in the attached case schedule. All parties will receive an *Order to Show Cause* that will set a specific date and time for the hearing. Parties and/or counsel who are required to attend will be named in the order.

B. Pretrial Order: An order directing completion of a Joint Confirmation of Trial Readiness Report will be mailed to all parties approximately six (6) weeks before trial. **This order will contain deadline dates for the pretrial events listed in King County Local Rule 16:**

- 1) Settlement/Mediation/ADR Requirement;
- 2) Exchange of Exhibit Lists;
- 3) Date for Exhibits to be available for review;
- 4) Deadline for disclosure of witnesses;
- 5) Deadline for filing Joint Statement of Evidence;
- 6) Trial submissions, such as briefs, Joint Statement of Evidence, jury instructions;
- 7) voir dire questions, etc;
- 8) Use of depositions at trial;
- 9) Deadlines for nondispositive motions;
- 10) Deadline to submit exhibits and procedures to be followed with respect to exhibits;
- 11) Witnesses -- identity, number, testimony;

C. Joint Confirmation regarding Trial Readiness Report: No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g. interpreters, equipment), etc. If parties wish to request a CR 16 conference, they must contact the assigned court.

Plaintiff/petitioner's counsel is responsible for contacting the other parties regarding said report.

D. Settlement/Mediation/ADR:

1) **Forty five (45) days before the Trial Date**, counsel for plaintiff shall submit a written settlement demand. Ten (10) days after receiving plaintiff's written demand, counsel for defendant shall respond (with a counteroffer, if appropriate).

2) **Twenty eight (28) days before the Trial Date**, a settlement/mediation/ADR conference shall have been held. **FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.**

E. Trial: Trial is scheduled for 9:00 a.m. on the date on the *Schedule* or as soon thereafter as convened by the court. The Friday before trial, the parties should access the King County Superior Court website at [www.metrokc.gov/kcsc](http://www.metrokc.gov/kcsc) to confirm trial judge assignment. Information can also be obtained by calling (206) 205-5984.

**MOTIONS PROCEDURES:****A. Noting of Motions**

**Dispositive Motions:** All Summary Judgment or other motions that dispose of the case in whole or in part will be heard with oral argument before the assigned judge. The moving party must arrange with the courts a date and time for the hearing, consistent with the court rules.

King County Local Rule 7 and King County Local Rule 56 govern procedures for all summary judgment or other motions that dispose of the case in whole or in part. The local rules can be found at [www.metrokc.gov/kcsccl](http://www.metrokc.gov/kcsccl).

**Nondispositive Motions:** These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the *Note for Motion* should state "Without Oral Argument," King County Local Rule 7 governs these motions, which include discovery motions. The local rules can be found at [www.metrokc.gov/kcsccl](http://www.metrokc.gov/kcsccl).

Motions in Family Law Cases not involving children: Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions Calendar. King County Local Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at [www.metrokc.gov/kcsccl](http://www.metrokc.gov/kcsccl).

**Emergency Motions:** Emergency motions will be allowed only upon entry of an *Order Shortening Time*. However, emergency discovery disputes may be addressed by telephone call, and without written motion, if the judge approves.

**Filing of Documents** All original documents must be filed with the Clerk's Office. *The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge.* The assigned judge's working copy must be delivered to his/her courtroom or to the judges' mailroom. Do not file working copies with the Motions Coordinator, except those motions to be heard on the Family Law Motions Calendar, in which case the working copies should be filed with the Family Law Motions Coordinator.

**Original Proposed Order:** Each of the parties must include in the working copy materials submitted on any motion an original proposed order sustaining his/her side of the argument. Should any party desire a copy of the order as signed and filed by the judge, a preaddressed, stamped envelope shall accompany the proposed order.

**Presentation of Orders:** All orders, agreed or otherwise, must be presented to the assigned judge. If that judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the assigned judge or in the Ex Parte Department. Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. If final orders and/or formal proof are entered in the Ex Parte Department, counsel is responsible for providing the assigned judge with a copy.

**C. Form:** Memoranda/briefs for matters heard by the assigned judge may not exceed twenty four (24) pages for dispositive motions and twelve (12) pages for nondispositive motions, unless the assigned judge permits over-length memoranda/briefs in advance of filing. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

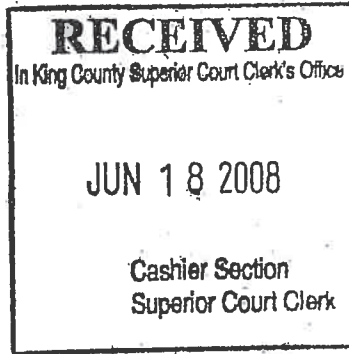
IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PETITIONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.




---

PRESIDING JUDGE





KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT DESIGNATION  
and  
CASE INFORMATION COVER SHEET  
(cics)

In accordance with LR82(e), a faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to King County Code 4.71.100.

CASE NUMBER: **08-2-20671-8ANT**

CASE CAPTION: Madhuri Patel v. Kent School District, et. al

I certify that this case meets the case assignment criteria, described in King County LR 82(e), for the:

         Seattle Area, defined as:

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

  X   Kent Area, defined as:

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

Signature of Petitioner/Plaintiff

or

Signature of Attorney for  
Petitioner/Plaintiff

22853  
WSBA Number

Date

06.18.08

Date

**KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT DESIGNATION  
and  
CASE INFORMATION COVER SHEET**

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time but helps in forecasting judicial resources. A faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to Administrative Rule 2 and King County Code 4.71.100.

**ADOPTION/PATERNITY**

- ☐ Adoption (ADP 5)
- ☐ Challenge to Acknowledgment of Paternity (PAT 5)\*
- ☐ Challenge to Denial of Paternity (PAT 5)\*
- ☐ Confidential Intermediary (MSC 5)
- ☐ Establish Parenting Plan-Existing King County Paternity (MSC 5)\*
- ☐ Initial Pre-Placement Report (PPR 5)
- ☐ Modification (MOD 5)\*
- ☐ Modification-Support Only (MDS 5)\*
- ☐ Paternity, Establish/Disestablish (PAT 5)\*
- ☐ Paternity/UIFSA (PUR 5)\*
- ☐ Out-of-State Custody Order Registration (OSC 5)
- ☐ Out-of-State Support Order Registration (FJU5)
- ☐ Relinquishment (REL 5)
- ☐ Relocation Objection/Modification (MOD 5)\*
- ☐ Rescission of Acknowledgment of Paternity (PAT 5)\*
- ☐ Rescission of Denial of Paternity (PAT 5)\*
- ☐ Termination of Parent-Child Relationship (TER 5)

**DOMESTIC RELATIONS**

- ☐ Annulment/Invalidity (INV3)\*
- ☐ with dependent children? Y / N; wife pregnant? Y / N
- ☐ Nonparental Custody (CUS 3)\*
- ☐ Dissolution With Children (DIC 3)\*
- ☐ Dissolution With No Children (DIN 3)\*
- ☐ wife pregnant? Y / N
- ☐ Enforcement/Show Cause- Out of County (MSC 3)
- ☐ Establish Residential Sched/Parenting Plan(PPS 3)\* ££
- ☐ Establish Supprt Only (PPS 3)\* ££
- ☐ Legal Separation (SEP 3)\*
- ☐ with dependent children? Y / N; wife pregnant? Y / N
- ☐ Mandatory Wage Assignment (MWA 3)
- ☐ Modification (MOD 3)\*
- ☐ Modification - Support Only (MDS 3)\*
- ☐ Out-of-state Custody Order Registration (OSC 3)
- ☐ Out-of-State Support Court Order Registration (FJU 3)
- ☐ Relocation Objection/Modification (MOD 3)\*

**APPEAL/REVIEW**

- ☐ Administrative Law Review (ALR 2)\*
- ☐ DOL Implied Consent-Test Refusal - only RCW 46.20.308 (DOL 2)\*

**CONTRACT/COMMERCIAL**

- ☐ Breach of Contract (COM 2)\*
- ☐ Commercial Contract (COM 2)\*
- ☐ Commercial Non-Contract (COL 2)\*
- ☐ Meretricious Relationship With No Children (MER 2)\*
- ☐ and Not Pregnant
- ☐ Third Party Collection (COL 2)\*
- ☐ Breach of Contract (COM 2)\*

**DOMESTIC VIOLENCE/ANTIHARASSMENT**

- ☐ Civil Harassment (HAR 2)
- ☐ Confidential Name Change (CHN 5)
- ☐ Domestic Violence (DVP 2)
- ☐ Domestic Violence with Children (DVC 2)
- ☐ Foreign Protection Order (FPO 2)
- ☐ Sexual Assault Protection Order (SXP 2)
- ☐ Vulnerable Adult Protection (VAP 2)

**JUDGMENT**

- ☐ Confession of Judgment (MSC 2)\*
- ☐ Judgment, Another County, Abstract (ABJ 2)
- ☐ Judgment, Another State or Country (FJU 2)
- ☐ Tax Warrant (TAX 2)
- ☐ Transcript of Judgment (TRJ 2)

££ Paternity Affidavit or Existing/Paternity is not an issue and NO other case exists in King County \* The filing party will be given an appropriate case schedule at time of filing. \*\* Case schedule will be issued after hearing and findings.

**KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT DESIGNATION  
and  
CASE INFORMATION COVER SHEET**

Please check one category that best describes this case for indexing purposes.

**PROPERTY RIGHTS**

- ☐ Condemnation/Eminent Domain (CON 2)\*  
☐ Foreclosure (FOR 2)\*  
☐ Land Use Petition (LUP 2)\*  
☐ Property Fairness (PFA 2)\*  
☐ Quiet Title (QTI 2)\*  
☐ Unlawful Detainer (UND 2)

**TORT, ASBESTOS**

- ☐ Personal Injury-Schroeter Goldmark (PIN 2)\*  
☐ Personal Injury- Other (PIN 2)  
☐ Wrongful Death- -Schroeter Goldmark (WDE 2)\*  
☐ Wrongful Death- Other (WDE 2)

**OTHER COMPLAINT/PETITION**

- ☐ Action to Compel/Confirm Private Binding Arbitration (MSC 2)  
☐ Certificate of Rehabilitation (MSC 2)  
☐ Change of Name (CHN 2)  
☐ Deposit of Surplus Funds (MSC 2)  
☐ Emancipation of Minor (EOM 2)  
☐ Frivolous Claim of Lien (MSC 2)  
☐ Injunction (INJ 2)\*  
☐ Interpleader (MSC 2)  
☐ Malicious Harassment (MHA 2)\*  
☐ Non-Judicial Filing (MSC 2)  
☐ Other Complaint/Petition(MSC 2)\*  
☐ Seizure of Property from the Commission of a Crime (SPC 2)\*  
☐ Seizure of Property Resulting from a Crime (SPR 2)\*  
☐ Structured Settlements (MSC 2)\*  
☐ Subpoena (MSC 2)

**PROBATE/GUARDIANSHIP**

- ☐ Absentee (ABS 4)  
☐ Disclaimer (DSC4)  
☐ Estate (EST 4)  
☐ Foreign Will (FNW 4)  
☐ Guardian (GDN4)  
☐ Limited Guardianship (LGD 4)  
☐ Minor Settlement (MST 4)  
☐ Notice to Creditors - Only (NNC 4)  
☐ Trust (TRS 4)  
☐ Trust Estate Dispute Resolution Act/POA (TDR 4)  
☐ Will Only—Deceased (WLL4)

**TORT, MEDICAL MALPRACTICE**

- ☐ Hospital (MED 2)\*  
☐ Medical Doctor (MED 2)\*  
☐ Other Health Care Professional (MED 2)\*

**TORT, MOTOR VEHICLE**

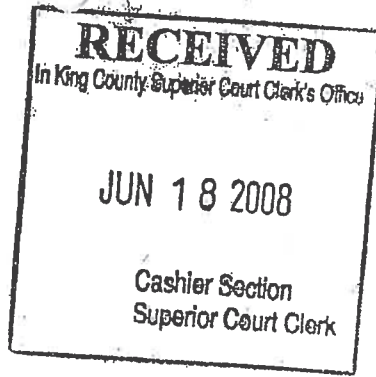
- ☐ Death (TMV 2)\*  
☐ Non-Death Injuries (TMV 2)\*  
☐ Property Damage Only (TMV 2)\*  
☐ Victims Vehicle Theft (VVT 2)\*

**TORT, NON-MOTOR VEHICLE**

- ☐ Implants (PIN 2)  
☐ Other Malpractice (MAL 2)\*  
☒ Personal Injury (PIN 2)\*  
☐ Products Liability (TTO 2)\*  
☐ Property Damage (PRP 2)\*  
☐ Tort, Other (TTO 2)\*

**WRIT**

- ☐ Habeas Corpus (WHC 2)  
☐ Mandamus (WRM 2)\*\*  
☐ Review (WRV 2)\*\*



SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

MADHURI PATEL, individually and on behalf  
of AMANDA HINGORANI, a  
developmentally disabled minor,

Plaintiff,

v.

KENT SCHOOL DISTRICT, a Washington  
municipal corporation; KENT YOUTH AND  
FAMILY SERVICES, a Washington  
corporation and healthcare provider; MARNEE  
CRAWFORD, a healthcare provider; and  
DENNIS BALLINGER, a healthcare provider,

Defendants.

No. **08-2-20671-8KNT**

JURY DEMAND

Pursuant to CR 38(b), Plaintiff hereby demands a trial by a jury of twelve persons of any  
and all claims and issues triable of right by a jury.

DATED this 18<sup>th</sup> day of June, 2008

HAGENS BERMAN SOBOL SHAPIRO LLP  
Attorneys for Plaintiff

By \_\_\_\_\_  
David P. Moody, WSBA #22853  
Anthony D. Shapiro, WSBA #12824  
Martin D. McLean, WSBA #38269

JURY DEMAND - 1



HAGENS BERMAN  
SOBOL SHAPIRO LLP

1301 FIFTH AVENUE, SUITE 2900 • SEATTLE, WA 98101  
TELEPHONE (206) 623-7292 • FACSIMILE (206) 623-0594



Judge Kimberley Prochnau

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

MADHURI PATEL, individually and on  
behalf of AMANDA HINGORANI, a  
developmentally disabled minor,

Plaintiff,

v.

KENT SCHOOL DISTRICT, a Washington  
municipal corporation; KENT YOUTH AND  
FAMILY SERVICES, a Washington  
corporation and healthcare provider;  
MARNEE CRAWFORD, a healthcare  
provider; and DENNIS BALLINGER, a  
healthcare provider,

Defendants.

No. 08-2-20671-8 KNT

**KENT SCHOOL DISTRICT'S  
NOTICE OF APPEARANCE**

TO: Clerk of the Court

AND TO: David P. Moody, Counsel for Plaintiff

YOU ARE HEREBY NOTIFIED that the Defendant Kent School District, appears in this action by the law firm of Northcraft, Bigby & Biggs, P.C., by the undersigned attorney. All pleadings, notices, and other papers in this action, exclusive of process, should be served at the address stated below.

DATED this 25<sup>th</sup> day of June, 2008.

NORTHCRAFT, BIGBY & BIGGS, P.C.

By: Mark S. Northcraft #29271  
For: Mark S. Northcraft, WSBA #7888  
Attorney for Defendant Kent School District

Judge Kimberley Prochnau

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

MADHURI PATEL, individually and on  
behalf of AMANDA HINGORANI, a  
developmentally disabled minor,

Plaintiff,

v.

KENT SCHOOL DISTRICT, a Washington  
municipal corporation; KENT YOUTH AND  
FAMILY SERVICES, a Washington  
corporation and healthcare provider;  
MARNEE CRAWFORD, a healthcare  
provider; and DENNIS BALLINGER, a  
healthcare provider,

Defendants.

No. 08-2-20671-8 KNT

**DECLARATION OF SERVICE**

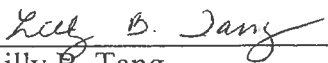
I, Lilly B. Tang, hereby certify under penalty of perjury under the laws of the state of Washington that on June 25, 2008, I filed with the Court via U.S. Mail, postage prepaid thereon and properly addressed, the originals of the following documents:

1. Kent School District's Notice of Appearance; and
2. Declaration of Service

and served copies via U.S. Mail upon:

David P. Moody  
Hagens Berman Sobol Shapiro LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101

SIGNED in Seattle, Washington on June 25, 2008.

  
Lilly B. Tang

FILED

2008 JUN 26 AM 9:37

J. M. HENRY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

## SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF KING

MADHURI PATEL, individually and on behalf of  
AMANDA HINGORANI, a developmentally disabled  
minor,

Plaintiff(s),

Vs.

KENT SCHOOL DISTRICT, a Washington municipal  
corporation; et al.,

Defendant(s).

NO. 08-2-20671-8 KNT

AFFIDAVIT OF SERVICE OF: SUMMONS TO  
DEFENDANT BALLINGER; SUMMONS TO  
DEFENDANT KENT YOUTH & FAMILY SERVICES;  
COMPLAINT FOR DAMAGES; COMPLAINT FOR  
DAMAGES; JURY DEMAND; JURY DEMAND;  
CASE ASSIGNMENT DESIGNATION AND CASE  
INFORMATION COVER SHEET; CASE  
ASSIGNMENT DESIGNATION AND CASE  
INFORMATION COVER SHEET; ORDER SETTING  
CIVIL CASE SCHEDULE; ORDER SETTING CIVIL  
CASE SCHEDULE.STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

The undersigned, being first duly sworn, on oath states:

That I am now, and at all times herein mentioned, was a citizen of the United States and a resident of the State of Washington, over the age of 18 years, not a party to or interested in the above entitled action, and am competent to be a witness therein.

That at 11:45 A.M. on June 20<sup>th</sup>, 2008, at 232 Second Avenue, Suite 201, Kent, Washington, I duly served the above-described documents in the above-described matter upon Dennis Ballinger and Kent Youth And Family Services, by then and there personally delivering a true and correct copy thereof by leaving the same with Dennis Ballinger, personally and as Director of Kent Youth and Family Services.

MARSHALL SCOTT WARNER

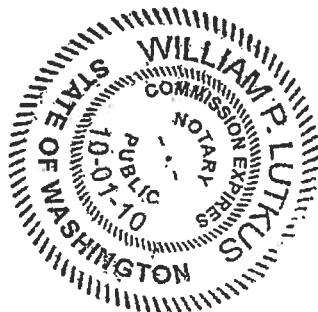
KING CO. # 0203335

JUN 24 2008

Service Fees: 12.00  
Ferry tolls:  
Travel: 21.00  
SSA:  
Trace:  
Bad Address:  
Aff./Notary Fee: 12.00  
Special Fee: 30.00  
Wait: 8.50

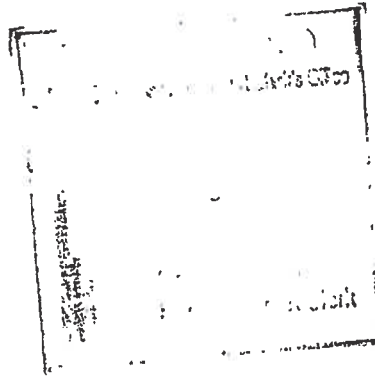
SUBSCRIBED AND SWORN to before me on:

TOTAL \$ 83.50



WILLIAM P. LUTKUS

NOTARY PUBLIC in and for the State  
of Washington residing at: Seattle.  
My commission expires: 10-01-10.



SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

MADHURI PATEL, individually and on behalf  
of AMANDA HINGORANI, a  
developmentally disabled minor,

Plaintiff,

v.

KENT SCHOOL DISTRICT, a Washington  
municipal corporation; KENT YOUTH AND  
FAMILY SERVICES, a Washington  
corporation and healthcare provider; MARNEE  
CRAWFORD, a healthcare provider; and  
DENNIS BALLINGER, a healthcare provider,

Defendants.

No. 08-2-20671-8ANT

SUMMONS

DEFENDANT BALLINGER

THE STATE OF WASHINGTON, TO:

**DENNIS BALLINGER**  
KENT YOUTH AND FAMILY SERVICES  
232 2nd Avenue, #201  
Kent, Washington 98032  
**Phone:** (253) 859-0300  
**Fax:** (253) 859-0745

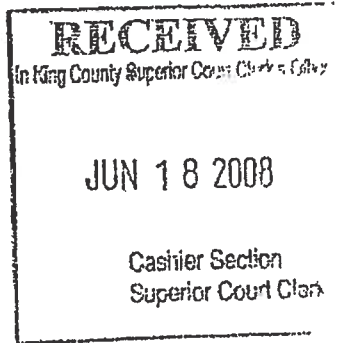
A lawsuit has been started against you in the above-entitled court by plaintiff. Plaintiff's  
claims are stated in the written complaint, a copy of which is served upon you with this  
summons.

SUMMONS - 1



HAGENS BERMAN  
SOBOL SHAPIRO LLP

1301 4TH AVENUE, SUITE 2900 • SEATTLE, WA 98101  
TELEPHONE (206) 623-7292 • FACSIMILE (206) 623 0594



SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

MADHURI PATEL, individually and on behalf  
of AMANDA HINGORANI, a  
developmentally disabled minor,

Plaintiff,

v.

KENT SCHOOL DISTRICT, a Washington  
municipal corporation; KENT YOUTH AND  
FAMILY SERVICES, a Washington  
corporation and healthcare provider; MARNEE  
CRAWFORD, a healthcare provider; and  
DENNIS BALLINGER, a healthcare provider,

Defendants.

No. 08-2-2007-1-81-UT

SUMMONS

DEFENDANT KENT YOUTH &  
FAMILY SERVICES

THE STATE OF WASHINGTON, TO:

**KENT YOUTH AND FAMILY SERVICES**  
C/O DENNIS BALLINGER, DIRECTOR  
232 2nd Avenue, #201  
Kent, Washington 98032  
**Phone:** (253) 859-0300  
**Fax:** (253) 859-0745

A lawsuit has been started against you in the above-entitled court by plaintiff. Plaintiff's  
claims are stated in the written complaint, a copy of which is served upon you with this  
summons.

SUMMONS - 1



HAGENS BERMAN  
SOBOL SHAPIRO LLP

1301 Fifth Avenue, Suite 2900 • Seattle, WA 98101  
TELEPHONE (206) 623-7292 • FACSIMILE (206) 623-0594

FILED

2008 JUN 26 AM 9:37

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

## SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF KING

MADHURI PATEL, individually and on behalf of  
AMANDA HINGORANI, a developmentally disabled  
minor,

Plaintiff(s),

Vs.

KENT SCHOOL DISTRICT, a Washington municipal  
corporation; et al.,

Defendant(s).

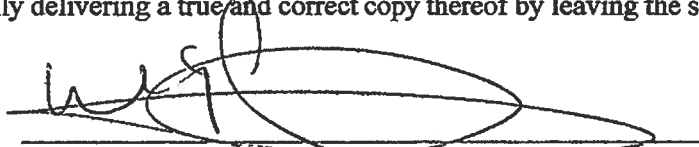
NO. 08-2-20671-8 KNT

AFFIDAVIT OF SERVICE OF: SUMMONS TO  
DEFENDANT CRAWFORD; COMPLAINT FOR  
DAMAGES; JURY DEMAND; CASE ASSIGNMENT  
DESIGNATION AND CASE INFORMATION COVER  
SHEET; ORDER SETTING CIVIL CASE SCHEDULE.STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

The undersigned, being first duly sworn, on oath states:

That I am now, and at all times herein mentioned, was a citizen of the United States and a resident of the State of Washington, over the age of 18 years, not a party to or interested in the above entitled action, and am competent to be a witness therein.

That at 12:59 P.M. on June 21<sup>st</sup>, 2008, at 9202 14<sup>th</sup> Avenue Southwest, Seattle, Washington, I duly served the above-described documents in the above-described matter upon Marnee Crawford, by then and there personally delivering a true and correct copy thereof by leaving the same with Marnee Crawford, personally.

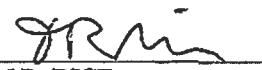
  
 WILLIAM LUKRUS KING CO. #9307249

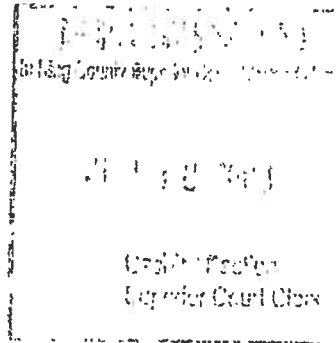
Service Fees: 12.00  
 Ferry tolls:  
 Travel: 21.00  
 SSA: 60.00  
 Trace:  
 Bad Address:  
 Aff./Notary Fee: 12.00  
 Special Fee: 30.00  
 Wait:

TOTAL \$ 135.00

SUBSCRIBED AND SWORN to before me on: 6/24/08



  
 TOM R. BICE  
 NOTARY PUBLIC in and for the State  
 of Washington residing at: Edmonds.  
 My commission expires: 03-09-09.



SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

MADHURI PATEL, individually and on behalf  
of AMANDA HINGORANI, a  
developmentally disabled minor,

Plaintiff,

v.

KENT SCHOOL DISTRICT, a Washington  
municipal corporation; KENT YOUTH AND  
FAMILY SERVICES, a Washington  
corporation and healthcare provider; MARNEE  
CRAWFORD, a healthcare provider; and  
DENNIS BALLINGER, a healthcare provider,

Defendants.

No.

08-2-20671-8HMT

SUMMONS

DEFENDANT CRAWFORD

THE STATE OF WASHINGTON, TO:

**MARNEE CRAWFORD**  
9202 14th Avenue SW  
Seattle, Washington 98106

A lawsuit has been started against you in the above-entitled court by plaintiff. Plaintiff's  
claims are stated in the written complaint, a copy of which is served upon you with this  
summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your  
defense in writing and serve a copy upon the undersigned attorney for the plaintiff within 20

SUMMONS - 1



HAGENS BERMAN  
SOBOL SHAPIRO LLP

1301 FIRST AVENUE, SUITE 2900 • SEATTLE, WA 98101  
TELEPHONE (206) 623-7292 • FACSIMILE (206) 623-0594



FILED

2008 JUN 26 AM 9:37

SUPERIOR COURT CLERK  
SEATTLE, WA.

## SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF KING

MADHURI PATEL, individually and on behalf of  
AMANDA HINGORANI, a developmentally disabled  
minor,

Plaintiff(s),

Vs.

KENT SCHOOL DISTRICT, a Washington municipal  
corporation; et al.,

Defendant(s).

NO. 08-2-20671-8 KNT

AFFIDAVIT OF SERVICE OF: SUMMONS TO  
DEFENDANT KENT SCHOOL DISTRICT;  
COMPLAINT FOR DAMAGES; JURY DEMAND;  
CASE ASSIGNMENT DESIGNATION AND CASE  
INFORMATION COVER SHEET; ORDER SETTING  
CIVIL CASE SCHEDULE.STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

The undersigned, being first duly sworn, on oath states:

That I am now, and at all times herein mentioned, was a citizen of the United States and a resident of the State of Washington, over the age of 18 years, not a party to or interested in the above entitled action, and am competent to be a witness therein.

That at 12:15 P.M. on June 20<sup>th</sup>, 2008, at 12033 Southeast 256<sup>th</sup> Street, Kent, Washington, I duly served the above-described documents in the above-described matter upon Kent School District, by then and there personally delivering a true and correct copy thereof by leaving the same with Charles W. Lind, General Counsel, in the absence of Barbara Grohe, Superintendent, who was not in at the time.

MARSHALL SCOTT WARNER KING CO. # 0203337

SUBSCRIBED AND SWORN to before me on:

JUN 24 2008

Service Fees: 12.00  
Ferry tolls:  
Travel: 21.00  
SSA:  
Trace:  
Bad Address:  
Aff./Notary Fee: 12.00  
Special Fee: 30.00  
Wait: 12.50

TOTAL \$ 87.50



WILLIAM P. LUTKUS

NOTARY PUBLIC in and for the State  
of Washington residing at: Seattle.  
My commission expires: 10-01-10.



RECEIVED  
JUN 16 2009

SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

MADHURI PATEL, individually and on behalf  
of AMANDA HINGORANI, a  
developmentally disabled minor,

Plaintiff,

v.

KENT SCHOOL DISTRICT, a Washington  
municipal corporation; KENT YOUTH AND  
FAMILY SERVICES, a Washington  
corporation and healthcare provider; MARNEE  
CRAWFORD, a healthcare provider; and  
DENNIS BALLINGER, a healthcare provider,

Defendants.

No.

SUMMONS

DEFENDANT KENT SCHOOL  
DISTRICT

THE STATE OF WASHINGTON, TO:

**KENT SCHOOL DISTRICT**  
C/O BARBARA GROHE, SUPERINTENDANT  
12033 Southeast 256th  
Kent, Washington 98031  
**Phone:** (253) 373-7701  
**Fax:** (253) 373-7231

A lawsuit has been started against you in the above-entitled court by plaintiff. Plaintiff's  
claims are stated in the written complaint, a copy of which is served upon you with this  
summons.

SUMMONS - 1



HAGENS BERMAN  
SOBOL SHAPIRO LLP

1301 FIRST AVENUE, SUITE 2900 • SEATTLE, WA 98101  
TELEPHONE (206) 623-7292 • FACSIMILE (206) 623-0594

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

MADHURI PATEL, individually and on  
behalf of AMANDA HINGORANI, a  
developmentally disabled minor,

Plaintiffs,

vs.

KENT SCHOOL DISTRICT, a Washington  
municipal corporation; KENT YOUTH AND  
FAMILY SERVICES, a Washington  
corporation and healthcare provider;  
MARNEE CRAWFORD, a healthcare  
provider; and DENNIS BALLINGER, , a  
healthcare provider,

Defendants.

No. 08-2-20671-8KNT

NOTICE OF APPEARANCE FOR  
DEFENDANTS KENT YOUTH AND  
FAMILY SERVICES, MARNEE  
CRAWFORD AND DENNIS  
BALLINGER

**TO: MADHURI PATEL, Plaintiff**

**TO: DAVID P. MOODY, ANTHONY D. SHAPIRO AND MARTIN D. McLEAN,  
Attorneys for Plaintiff**

COME NOW Defendants, Kent Youth and Family Services, Marnee Crawford and  
Dennis Ballinger, and herewith enters an appearance in the above-entitled action through  
Michael E. McFarland, Jr., of Evans, Craven & Lackie, P.S., attorneys of record, and requests

NOTICE OF APPEARANCE - Page 1

*Evans, Craven & Lackie, P.S.*  
818 W. Riverside, Suite 250  
Spokane, WA 99201-0910  
(509) 455-5200; fax (509) 455-3632

1 that all further pleadings herein, exclusive of process, by served upon said attorneys at their  
2 office address stated below.

3  
4 Michael E. McFarland, Jr.  
5 Evans, Craven & Lackie, P.S.  
6 818 W. Riverside, Suite 250  
7 Spokane, WA 99201

8 The Defendants hereby specifically reserve all defenses as to lack of jurisdiction,  
9 improper venue, insufficiency of process or any other defenses available to these Defendants.

10 DATED this 25<sup>th</sup> day of June, 2008.

11  
12 EVANS, CRAVEN & LACKIE, P.S.

13  
14 By 

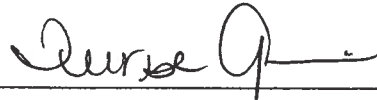
15 MICHAEL E. MCFARLAND, JR., #23000  
16 Attorneys for Kent Youth and Family Services,  
17 Marnee Crawford and Dennis Ballinger  
18  
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CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 26<sup>th</sup> day of June, 2008, the foregoing was delivered to the following persons in manner indicated:

David P. Moody	Via Regular Mail	<input checked="" type="checkbox"/>
Anthony D. Shapiro	Via Certified Mail	<input type="checkbox"/>
Martin D. McLean	Via Overnight Delivery	<input type="checkbox"/>
Hagens Berman Sobol Shapiro	Via Facsimile	<input type="checkbox"/>
1301 5th Avenue, Suite 2900	Hand Delivered	<input type="checkbox"/>
Seattle, WA 98101-2609		

Mark Northcraft	Via Regular Mail	<input checked="" type="checkbox"/>
Northcraft Bigby & Biggs PC	Via Certified Mail	<input type="checkbox"/>
819 Virginia Street, Suite C-2	Via Overnight Delivery	<input type="checkbox"/>
Seattle, WA 98101-4421	Via Facsimile	<input type="checkbox"/>
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HAGENS BERMAN, LLP

IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

MADHURI PATEL, individually and on  
behalf of AMANDA HINGORANI, a  
developmentally disabled minor,

Plaintiff,

v.

KENT SCHOOL DISTRICT, a Washington  
municipal corporation; KENT YOUTH  
AND FAMILY SERVICES, a Washington  
corporation and healthcare provider;  
MARNEE CRAWFORD, a healthcare  
provider; and DENNIS BALLINGER, a  
healthcare provider,

Defendants.

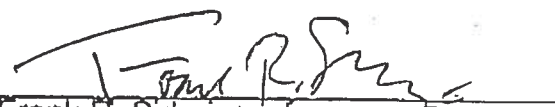
NO. 08-2-20671-8 KNT

NOTICE OF APPEARANCE

TO: Madhuri Patel, plaintiff  
AND TO: David P. Moody, plaintiff's attorney

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that Frank Siderius, of  
Siderius, Lonergan & Martin, LLP, hereby appears for Marnee Crawford in the above  
entitled cause and without waiving the defense of insufficiency of service of process,  
requests that all further papers and pleadings herein be served upon the undersigned  
attorney at the address below stated.

DATED this 2nd day of July, 2008.

  
Frank R. Siderius, of  
SIDERIUS, LONERGAN & MARTIN, LLP  
Attorneys for Defendant  
WSBA #7759

SIDERIUS LONERGAN & MARTIN, LLP  
ATTORNEYS AT LAW  
300 UNION STREET  
SUITE 847  
SEATTLE, WASHINGTON 98101  
(206) 624-2800  
FAX (206) 624-2801

Judge Kimberley Prochnau

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

MADHURI PATEL, individually and on  
behalf of AMANDA HINGORANI, a  
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KENT SCHOOL DISTRICT, a Washington  
municipal corporation; KENT YOUTH AND  
FAMILY SERVICES, a Washington  
corporation and healthcare provider;  
MARNEE CRAWFORD, a healthcare  
provider; and DENNIS BALLINGER, a  
healthcare provider,

Defendants.

No. 08-2-20671-8 KNT

**ANSWER OF KENT SCHOOL  
DISTRICT TO COMPLAINT FOR  
DAMAGES**

COMES NOW the Defendant, Kent School District ("KSD"), by and through its attorneys,  
Northcraft, Bigby & Biggs, P.C., and in answer to Complaint for Damages ("Complaint") admits,  
denies, and alleges as follows:

**I. INCORPORATION**

1. By this reference, each paragraph contained herein is incorporated as support for each  
paragraph which follows.

**II. PLAINTIFF**

2. In answer to paragraph 2 of the Complaint, KSD admits the same.

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**VIII. FACTUAL SUMMARY: KENT SCHOOL DISTRICT**

15. In answer to paragraph 15 of the Complaint, KSD admits the same.
16. In answer to paragraph 16 of the Complaint, KSD admits the same.
17. In answer to paragraph 17 of the Complaint, KSD admits the same.
18. In answer to paragraph 18 of the Complaint, KSD admits the same.
19. In answer to paragraph 19 of the Complaint, KSD admits the same.
20. In answer to paragraph 20 of the Complaint, KSD admits the same.
21. In answer to paragraph 21 of the Complaint, KSD admits that Plaintiff informed the school psychologist that "Amanda sometimes demonstrates unsafe behaviors". As to the remainder of the allegations in paragraph 21 of the Complaint, KSD denies the same.
22. In answer to paragraph 22 of the Complaint, KSD admits that Plaintiff informed the school psychologist that "Amanda is not aware of the potential danger of situations and does not necessarily use caution when encountering risky situations." As to the remainder of the allegations in paragraph 22 of the Complaint, KSD denies the same.
23. In answer to paragraph 23 of the Complaint, KSD denies the same.
24. In answer to paragraph 24 of the Complaint, KSD admits the existence of a note to Amanda Hingorani concerning stealing money from her mother and that the content of the note speaks for itself.
25. In answer to paragraph 25 of the Complaint, KSD admits the same.
26. In answer to paragraph 26 of the Complaint, KSD denies the same.
27. In answer to paragraph 27 of the Complaint, KSD admits the emails speak for themselves.
28. In answer to paragraph 28 of the Complaint, KSD admits the same.
29. In answer to paragraph 29 of the Complaint, KSD admits that the emails were presented to the KHS administration.



1           30.     In answer to paragraph 30 of the Complaint, KSD admits that Madhuri removed  
2     Amanda from school. As to the remainder of the allegations in paragraph 30 of the Complaint, KSD  
3     lacks sufficient information as to the truth or falsity thereof and therefore denies the same.

4           31.     In answer to paragraph 31 of the Complaint, KSD admits the same.

5           32.     In answer to paragraph 32 of the Complaint, KSD denies the same.

6           33.     In answer to paragraph 33 of the Complaint, KSD lacks sufficient information as to  
7     the truth or falsity thereof and therefore denies the same.

8           34.     In answer to paragraph 34 of the Complaint, KSD admits the same.

9           35.     In answer to paragraph 35 of the Complaint, KSD admits the same, except that there  
10    is no indication in the record of the meeting of this date that "sexual exploitation" was discussed.

11          36.     In answer to paragraph 36 of the Complaint, KSD admits the same.

12          37.     In answer to paragraph 37 of the Complaint, KSD admits that it acknowledged that  
13    "Amanda is vulnerable to exploitation as file records indicate"; that "staff escorts Amanda to and  
14    from her classes. Upon arrival at school, Amanda is escorted to her first class. At days end she is  
15    walked to her bus. In this way, staff is able to provide the safety and close monitoring needed." As  
16    to the remainder of the allegations in paragraph 37 of the Complaint, KSD lacks sufficient  
17    information as to the truth or falsity thereof and therefore denies the same.

18          38.     In answer to paragraph 38 of the Complaint, KSD admits the same.

19          39.     In answer to paragraph 39 of the Complaint, KSD admits the same.

20          40.     In answer to paragraph 40 of the Complaint, KSD admits the same.

21          41.     In answer to paragraph 41 of the Complaint, KSD denies the same.

22          42.     In answer to paragraph 42 of the Complaint, KSD denies the same.

23          43.     In answer to paragraph 43 of the Complaint, KSD admits that on March 1, 2007, Ms.  
24    Baldan wrote an email to Ms. Wilhelm in which she stated, "I noticed Amanda Hingorani was  
25    VERY aware of his presence" in reference to a new student added to the class.  
26

1           44. In answer to paragraph 44 of the Complaint, KSD admits that on April 4, 2007, in  
2 reference to a field trip of which Amanda Hedstrom was a participant, and who, along with Amanda  
3 Hingorani, were the subject of a no contact order, wrote, "The agreement we have with Hingorani's  
4 mom is that she be supervised at all times. This even means that Hingorani and Hedstrom should  
5 not be in the restroom at the same time."

6           45. In answer to paragraph 45 of the Complaint, KSD denies the same.

7           46. In answer to paragraph 46 of the Complaint, KSD admits that on April 30, 2007, Ms.  
8 Grajewski wrote an email to Francine Wilhelm in which she wrote, "Please contact Amanda's mom  
9 and alert her about the bathroom incident! This is serious."

10          47. In answer to paragraph 47 of the Complaint, KSD admits that on April 30, 2007, Ms.  
11 Wilhelm sent an email to Madhuri Patel, the content of which speaks for itself.

12          48. In answer to paragraph 48 of the Complaint, KSD admits that on April 30, 2007, Ms.  
13 Wilhelm sent an email to Madhuri Patel, the content of which speaks for itself.

14          49. In answer to paragraph 49 of the Complaint, KSD denies the same.

15          50. In answer to paragraph 50 of the Complaint, KSD lacks sufficient information as to  
16 the truth or falsity thereof and can neither admit nor deny the same.

17          51. In answer to paragraph 51 of the Complaint, KSD admits that on May 2, 2007,  
18 Madhuri Patel sent an email to Mike Albrecht, the content of which speaks for itself.

19          52. In answer to paragraph 52 of the Complaint, KSD admits that on May 2, 2007, Mike  
20 Albrecht sent an email to Jennifer Grajewski and Kimberley Edwards, the content of which speaks  
21 for itself.

22          53. In answer to paragraph 53 of the Complaint, KSD admits that on May 2, 2007,  
23 Madhuri Patel sent an email to Francine Wilhelm, the content of which speaks for itself.

24          54. In answer to paragraph 54 of the Complaint, KSD admits that on May 2, 2007,  
25 Francine Wilhelm forwarded the email referenced in paragraph 53 of the Complaint to Kimberley  
26 Edwards.

1           55.     In answer to paragraph 55 of the Complaint, KSD admits that on May 2, 2007,  
2     Jennifer Grajewski sent an email to Mike Albrecht and Kimberley Edwards, the content of which  
3     speaks for itself.

4           56.     In answer to paragraph 56 of the Complaint, KSD admits that on May 14, 2007, Mike  
5     Albrecht wrote a memorandum re: information and personal statement regarding Amanda Hingorani,  
6     the content of which speaks for itself.

7           57.     In answer to paragraph 57 of the Complaint, KSD admits that on May 14, 2007, Kim  
8     Edwards wrote a memorandum re: information and personal statement regarding Amanda Hingorani,  
9     the content of which speaks for itself.

10          58.     In answer to paragraph 58 of the Complaint, KSD denies the same.

11          59.     In answer to paragraph 59 of the Complaint, KSD admits that Matthew Mills gave  
12     a statement to the King County Sheriff's Department regarding the consensual sexual relations  
13     between himself and Amanda Hingorani, the content of which speaks for itself.

14          60.     In answer to paragraph 60 of the Complaint, KSD admits that Matthew Mills gave  
15     a statement to the King County Sheriff's Department regarding the consensual sexual relations  
16     between himself and Amanda Hingorani, the content of which speaks for itself.

17          61.     In answer to paragraph 61 of the Complaint, KSD admits that Matthew Mills gave  
18     a statement to the King County Sheriff's Department regarding the consensual sexual relations  
19     between himself and Amanda Hingorani, the content of which speaks for itself.

20          62.     In answer to paragraph 62 of the Complaint, KSD admits that on May 3, 2007, Ms.  
21     Wilhelm sent an email to Jennifer Grajewski regarding Amanda H. & Homework, the content of  
22     which speaks for itself.

23          63.     In answer to paragraph 63 of the Complaint, KSD lacks sufficient information as to  
24     the belief of the Plaintiff and can neither admit nor deny the same.

25          64.     In answer to paragraph 64 of the Complaint, KSD denies the same.  
26

1           65.     In answer to paragraph 65 of the Complaint, KSD lacks sufficient information as to  
2     the truth or falsity thereof and can neither admit or deny the same.

3           **IX. FACTUAL SUMMARY: KENT YOUTH AND FAMILY SERVICES**

4           66.     In answer to paragraph 66 of the Complaint, KSD denies the same.

5           67.     In answer to paragraph 67 of the Complaint, KSD admits the same.

6           68.     In answer to paragraph 68 of the Complaint, KSD lacks sufficient information as to  
7     the truth or falsity thereof and can neither admit or deny the same.

8           69.     In answer to paragraph 69 of the Complaint, KSD lacks sufficient information as to  
9     the truth or falsity thereof and can neither admit or deny the same.

10          70.     In answer to paragraph 70 of the Complaint, KSD lacks sufficient information as to  
11     the truth or falsity thereof and can neither admit or deny the same.

12          71.     In answer to paragraph 71 of the Complaint, KSD lacks sufficient information as to  
13     the truth or falsity thereof and can neither admit or deny the same.

14          72.     In answer to paragraph 72 of the Complaint, KSD lacks sufficient information as to  
15     the truth or falsity thereof and can neither admit or deny the same.

16          73.     In answer to paragraph 73 of the Complaint, KSD lacks sufficient information as to  
17     the truth or falsity thereof and can neither admit or deny the same.

18          74.     In answer to paragraph 74 of the Complaint, KSD lacks sufficient information as to  
19     the truth or falsity thereof and can neither admit or deny the same.

20          75.     In answer to paragraph 75 of the Complaint, KSD lacks sufficient information as to  
21     the truth or falsity thereof and can neither admit or deny the same.

22          76.     In answer to paragraph 76 of the Complaint, KSD lacks sufficient information as to  
23     the truth or falsity thereof and can neither admit or deny the same.

24          77.     In answer to paragraph 77 of the Complaint, KSD lacks sufficient information as to  
25     the truth or falsity thereof and can neither admit or deny the same.

1           78.     In answer to paragraph 78 of the Complaint, KSD lacks sufficient information as to  
2     the truth or falsity thereof and can neither admit or deny the same.

3           79.     In answer to paragraph 79 of the Complaint, KSD lacks sufficient information as to  
4     the truth or falsity thereof and can neither admit or deny the same.

5           80.     In answer to paragraph 80 of the Complaint, KSD lacks sufficient information as to  
6     the truth or falsity thereof and can neither admit or deny the same.

7           81.     In answer to paragraph 81 of the Complaint, KSD lacks sufficient information as to  
8     the truth or falsity thereof and can neither admit or deny the same.

9           82.     In answer to paragraph 82 of the Complaint, KSD lacks sufficient information as to  
10    the truth or falsity thereof and can neither admit or deny the same.

11          83.     In answer to paragraph 83 of the Complaint, KSD lacks sufficient information as to  
12    the truth or falsity thereof and can neither admit or deny the same.

13          84.     In answer to paragraph 84 of the Complaint, KSD lacks sufficient information as to  
14    the truth or falsity thereof and can neither admit or deny the same.

15          85.     In answer to paragraph 85 of the Complaint, KSD lacks sufficient information as to  
16    the truth or falsity thereof and can neither admit or deny the same.

17          86.     In answer to paragraph 86 of the Complaint, KSD lacks sufficient information as to  
18    the truth or falsity thereof and can neither admit or deny the same.

19          87.     In answer to paragraph 87 of the Complaint, KSD lacks sufficient information as to  
20    the truth or falsity thereof and can neither admit or deny the same.

21          88.     In answer to paragraph 88 of the Complaint, KSD lacks sufficient information as to  
22    the truth or falsity thereof and can neither admit or deny the same.

23          89.     In answer to paragraph 89 of the Complaint, KSD lacks sufficient information as to  
24    the truth or falsity thereof and can neither admit or deny the same.

25          90.     In answer to paragraph 90 of the Complaint, KSD lacks sufficient information as to  
26    the truth or falsity thereof and can neither admit or deny the same.

1           91. In answer to paragraph 91 of the Complaint, KSD lacks sufficient information as to  
2 the truth or falsity thereof and can neither admit or deny the same.

3           92. In answer to paragraph 92 of the Complaint, KSD lacks sufficient information as to  
4 the truth or falsity thereof and can neither admit or deny the same.

5           93. In answer to paragraph 93 of the Complaint, KSD lacks sufficient information as to  
6 the truth or falsity thereof and can neither admit or deny the same.

7           94. In answer to paragraph 94 of the Complaint, KSD admits that Madhuri Patel, Sally  
8 McLurg, Jeff Vanderport, Marnee Crawford, Kim Edwards, and Jennifer Grajewski participated in  
9 a meeting on September 13, 2006 regarding Amanda Hingorani.

10          95. In answer to paragraph 95 of the Complaint, KSD admits that Madhuri Patel, Sally  
11 McLurg, Jeff Vanderport, Marnee Crawford, Kim Edwards, and Jennifer Grajewski participated in  
12 a meeting on September 13, 2006 regarding Amanda Hingorani.

13          96. In answer to paragraph 96 of the Complaint, KSD lacks sufficient information as to  
14 the truth or falsity thereof and can neither admit or deny the same.

15          97. In answer to paragraph 97 of the Complaint, KSD lacks sufficient information as to  
16 the truth or falsity thereof and can neither admit or deny the same.

17          98. In answer to paragraph 98 of the Complaint, KSD lacks sufficient information as to  
18 the truth or falsity thereof and can neither admit or deny the same.

19          99. In answer to paragraph 99 of the Complaint, KSD lacks sufficient information as to  
20 the truth or falsity thereof and can neither admit or deny the same.

21          100. In answer to paragraph 100 of the Complaint, KSD lacks sufficient information as  
22 to the truth or falsity thereof and can neither admit or deny the same.

23          101. In answer to paragraph 101 of the Complaint, KSD lacks sufficient information as  
24 to the truth or falsity thereof and can neither admit or deny the same.

25          102. In answer to paragraph 102 of the Complaint, KSD lacks sufficient information as  
26 to the truth or falsity thereof and can neither admit or deny the same.



**X. FIRST CAUSE OF ACTION:**

**DEFENDANT KSD'S NEGLIGENCE**

103. In answer to paragraph 103 of the Complaint, KSD lacks sufficient information as to the truth or falsity thereof and can neither admit or deny the same.

104. In answer to paragraph 104 of the Complaint, KSD denies the same.

105. In answer to paragraph 105 of the Complaint, KSD denies the same.

**XI. SECOND CAUSE OF ACTION:**

**DEFENDANT KYFS' NEGLIGENCE**

106. In answer to paragraph 106 of the Complaint, KSD lacks sufficient information as to the truth or falsity thereof and can neither admit or deny the same.

107. In answer to paragraph 107 of the Complaint, KSD lacks sufficient information as to the truth or falsity thereof and can neither admit or deny the same.

108. In answer to paragraph 108 of the Complaint, KSD lacks sufficient information as to the truth or falsity thereof and can neither admit or deny the same.

**XII. THIRD CAUSE OF ACTION:**

**DEFENDANT CRAWFORD'S NEGLIGENCE**

109. In answer to paragraph 109 of the Complaint, KSD lacks sufficient information as to the truth or falsity thereof and can neither admit or deny the same.

110. In answer to paragraph 110 of the Complaint, KSD lacks sufficient information as to the truth or falsity thereof and can neither admit or deny the same.

111. In answer to paragraph 111 of the Complaint, KSD lacks sufficient information as to the truth or falsity thereof and can neither admit or deny the same.

**XIII. FOURTH CAUSE OF ACTION:**

**DEFENDANT BALLINGER'S NEGLIGENCE**

112. In answer to paragraph 112 of the Complaint, KSD lacks sufficient information as to the truth or falsity thereof and can neither admit or deny the same.



1 113. In answer to paragraph 113 of the Complaint, KSD lacks sufficient information as  
2 to the truth or falsity thereof and can neither admit or deny the same.

3 114. In answer to paragraph 114 of the Complaint, KSD lacks sufficient information as  
4 to the truth or falsity thereof and can neither admit or deny the same.

5 **XIV. FIFTH CAUSE OF ACTION: RCW 4.24.010**

6 115. In answer to paragraph 115 of the Complaint, KSD lacks sufficient information as  
7 to the truth or falsity thereof and can neither admit or deny the same.

8 116. In answer to paragraph 116 of the Complaint, and as to the allegations against KSD,  
9 KSD denies the same. As to the remainder of the allegations contained in paragraph 116 of the  
10 Complaint, KSD lacks sufficient information as to the truth or falsity thereof and can neither admit  
11 or deny the same.

12 117. In answer to paragraph 117 of the Complaint, and as to the allegations against KSD,  
13 KSD denies the same. As to the remainder of the allegations contained in paragraph 117 of the  
14 Complaint, KSD lacks sufficient information as to the truth or falsity thereof and can neither admit  
15 or deny the same.

16 **XV. SIXTH CAUSE OF ACTION: RCW 26.44. ET SEQ.**

17 118. In answer to paragraph 118 of the Complaint, and as to the allegations against KSD,  
18 KSD denies the same. As to the remainder of the allegations contained in paragraph 118 of the  
19 Complaint, KSD lacks sufficient information as to the truth or falsity thereof and can neither admit  
20 or deny the same.

21 119. In answer to paragraph 119 of the Complaint, and as to the allegations against KSD,  
22 KSD denies the same. As to the remainder of the allegations contained in paragraph 119 of the  
23 Complaint, KSD lacks sufficient information as to the truth or falsity thereof and can neither admit  
24 or deny the same.

25 120. In answer to paragraph 120 of the Complaint, and as to the allegations against KSD,  
26 KSD denies the same. As to the remainder of the allegations contained in paragraph 120 of the

1 Complaint, KSD lacks sufficient information as to the truth or falsity thereof and can neither admit  
2 or deny the same.

3 **XVI. AFFIRMATIVE DEFENSES**

4 BY WAY OF FURTHER ANSWER AND AFFIRMATIVE DEFENSES, KSD alleges as  
5 follows:

6 121. The alleged sexual activities upon which the Plaintiff bases her claims were consented  
7 to by Amanda Hingorani.

8 122. The injuries and damages, if any, claimed by the Plaintiff were proximately caused  
9 by the fault thereof.

10 123. The injuries and damages, if any, claimed by the Plaintiff were proximately caused  
11 by the fault of the Plaintiff, including but not limited to the assumption of the risk thereof by  
12 Amanda Hingorani.

13 124. The injuries and damages, if any, claimed by the Plaintiff are barred to the extent the  
14 Plaintiff has failed to mitigate said damages.

15 125. The Plaintiff complains that alleged injuries and damages were allegedly caused by  
16 the negligent or other wrongful acts of Defendants Kent Youth and Family Services, Crawford, and  
17 Ballinger, and to the extent such allegations are true, then KSD is not jointly and severally liable for  
18 the alleged injuries and damages caused thereby.

19 126. The injuries and damages alleged by the Plaintiff were caused by the acts of persons  
20 and entities over whom KSD had no control, were not the agents of KSD, and with whom KSD was  
21 not acting in concert, including, but not limited to Defendants Kent Youth and Family Services,  
22 Crawford, and Ballinger. The acts of said persons and entity bar or reduce KSD's liability, if any,  
23 herein.

24 127. Pursuant to CR 12(i), KSD intends to claim for purposes of RCW 4.22.070(1) that  
25 the injuries and damages, if any, about which the Plaintiff complains were caused by the intentional  
26

1 acts of Matt Mills, Amanda Hedstrom, Tayana Bryant, and Erik Warren, and by other unidentified  
2 person(s) and KSD is not liable for injuries and damages caused thereby.

3 128. The actions of KSD herein alleged as negligence manifest a reasonable exercise of  
4 judgment and discretion by authorized public officials made in the exercise of governmental  
5 authority entrusted to them by law and are neither tortious nor actionable.

6 129. KSD, including its agents, at all times acted reasonably, lawfully, in good faith, and  
7 without malice in the performance of their duties and are therefore immune from suit for the matters  
8 alleged in the Plaintiff's complaint.

9 130 KSD reserves the right to amend its answer to allege any and all affirmative defenses  
10 which may be asserted in answer to the allegations set forth in the Plaintiff's Complaint and/or those  
11 facts which may come to light during discovery or at time of trial.

12 WHEREFORE, having fully answered the allegations contained in Plaintiff's Complaint,  
13 KSD prays that said Complaint be dismissed with prejudice, that the costs of this proceeding be  
14 taxed against the Plaintiff, that KSD be afforded the relief requested, and that KSD have such other  
15 and further relief as the Court deems just and equitable.

16 DATED this 22<sup>nd</sup> day of July, 2008.

17 NORTHCRAFT, BIGBY & BIGGS, P.C.

18  
19 By *Mark S. Northcraft* #29271  
20 For: Mark S. Northcraft, WSBA #7888  
Attorneys for Defendant Kent School District

Judge Kimberley Prochnau

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

MADHURI PATEL, individually and on  
behalf of AMANDA HINGORANI, a  
developmentally disabled minor,

Plaintiff,

v.

KENT SCHOOL DISTRICT, a Washington  
municipal corporation; KENT YOUTH AND  
FAMILY SERVICES, a Washington  
corporation and healthcare provider;  
MARNEE CRAWFORD, a healthcare  
provider; and DENNIS BALLINGER, a  
healthcare provider,

Defendants.

No. 08-2-20671-8 KNT

**DECLARATION OF SERVICE**

I, Lilly B. Tang, hereby certify under penalty of perjury under the laws of the state of Washington that on July 22, 2008, I filed with the Court via U.S. Mail, postage prepaid thereon and properly addressed, the originals of the following documents:

1. Answer of Kent School District to Complaint for Damages; and
2. Declaration of Service

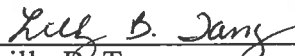
and served copies via facsimile and U.S. Mail upon:

David P. Moody  
Hagens Berman Sobol Shapiro LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101

///

1 Michael E. McFarland, Jr.  
2 Evans, Craven & Lackie, P.S.  
3 818 W. Riverside, Suite 250  
4 Spokane, WA 99201-0910

5 SIGNED in Seattle, Washington on July 22, 2008.

6   
7 Lilly B. Tang

RECEIVED

JUL 30 2008

NORTHCRAFT, BIGBY &amp; BIGGS, P.C.

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING**

MADHURI PATEL, individually and on behalf of AMANDA  
HINGORANI, a developmentally disabled minor,

Plaintiff,

v.

KENT SCHOOL DISTRICT, a Washington municipal corporation;  
KENT YOUTH AND FAMILY SERVICES, a Washington corporation;  
MARNEE CRAWFORD, individually and in her official capacity as an  
employee of Kent Youth and Family Services; DENNIS BALLINGER,  
individually and in his official capacity as an employee of Kent Youth  
and Family Services,

Defendants.

**NO. 08-2-20671-8 KNT  
NOTICE FOR HEARING  
KENT REGIONAL JUSTICE CENTER ONLY  
(Clerk's Action Required) (NTHG)**

**TO:** THE CLERK OF THE COURT and to all other parties per list on Page 2:

**PLEASE TAKE NOTICE** that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: August 8, 2008

Day of Week: Friday

Nature of Motion: Motion for Default Order

**CASES ASSIGNED TO INDIVIDUAL JUDGES - RJC**

Working Papers: The judge's name, date and time of hearing must be noted in the upper right corner of the Judge's copy. Deliver Judge's copies to Judges' Mailroom at RJC

☒ Without oral argument (Mon - Fri)

☐ With oral argument Hearing

Date/Time: \_\_\_\_\_

If oral argument on the motion is allowed (LR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice.

Judge's Name: KIMBERLEY PROCHNAU Trial Date: December 7, 2009

**CHIEF CIVIL DEPARTMENT - RJC**

All Chief Civil calendars are at 10:00 on Fridays, except as noted. See signs posted at RJC for calendar location. Deliver working copies to Judges' Mailroom, Room 2D at RJC. In upper right corner of papers write "Chief Civil Department" and date of hearing.

☐ Extraordinary Writs (Show Cause Hearing) (LR 98.40)

☐ Supplemental Proceedings (9:15 am) (LR 69)

☐ Motions to Consolidate with multiple judges assigned (LR 40(a)(4) (without oral argument) M-F

**Non-Assigned Cases:**

☐ Dispositive Motions and Revisions (10:30 am)

☐ Non-Dispositive Motions M-F (without oral argument)

☐ Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts) (LR 40(2)(B))

☐ Certificates of Rehabilitation (Employment)

**NOTICE FOR HEARING - KENT REGIONAL JUSTICE CENTER ONLY**

ICKNT040502

www.metrokc.gov/kcsccl/forms.htm



**PARTIES:** The address of the Regional Justice Center is 401 4th Avenue North, Kent, WA 98032. You must bring this document and appear as scheduled.

☐ Room:

☐ See Posted Signs

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: \_\_\_\_\_ Print/Type Name: David P. Moody

WSBA # 22853 (if attorney) Attorney for: Plaintiff

Address: 1301 5<sup>th</sup> Avenue, Suite 2900 City, State, Zip Seattle, Washington 98101

Telephone: 206-268-9323 Date: July 30, 2008

**DO NOT USE THIS FORM FOR FAMILY LAW, EX PARTE OR RALJ MOTIONS.**

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE
---

Mr. Frank R. Siderius  
Siderius & Lonergan  
500 Union Street, Suite 847  
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206-624-2800

Mr. Michael E. McFarland, Jr.  
Evans, Craven & Lackie, P.S.  
818 W. Riverside, Suite 250  
Spokane, Washington 99201  
509-455-5200

Attorney For Defendant Marnee Crawford  
WSBA #7759

Attorney for Defendants Kent Youth and Family  
Services, Crawford and Ballinger  
WSBA # 23000

Mr. Mark Northcraft  
819 Virginia Street, Suite C-2  
Seattle, Washington 98101  
206-623-0234

Attorney for Defendant Kent School District  
WSBA #7888

### IMPORTANT NOTICE REGARDING CASES

Party requesting hearing must file motion & affidavits separately along with this notice. List names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than **six** court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The REGIONAL JUSTICE CENTER is in Kent, Washington at 401 Fourth Avenue North. The Clerk's Office is on the second floor, Room 2C. The Judges' Mailroom is Room 2D.

RECEIVED

JUL 30 2008

NORTHCRAFT, BIGBY & BIGGS, P.C.

SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

MADHURI PATEL, individually and on behalf  
of AMANDA HINGORANI, a  
developmentally disabled minor,

Plaintiff,

v.

KENT SCHOOL DISTRICT, a Washington  
municipal corporation; KENT YOUTH AND  
FAMILY SERVICES, a Washington  
corporation; MARNEE CRAWFORD,  
individually and in her official capacity as an  
employee of Kent Youth and Family Services;  
DENNIS BALLINGER, individually and in his  
official capacity as an employee of Kent Youth  
and Family Services,

Defendants.

No. 08-2-20671-8 KNT

MOTION FOR ORDER OF DEFAULT

I. INTRODUCTION

COMES NOW, plaintiff and moves this Court for an Order of Default, pursuant to Civil  
Rule 55, against Defendants Kent Youth and Family Services, Dennis Ballinger and Marnee  
Crawford.

MOTION FOR ORDER OF DEFAULT - 1



HAGENS BERMAN  
SOBOL SHAPIRO LLP

1301 FIFTH AVENUE, SUITE 2900 • SEATTLE, WA 98101  
TELEPHONE (206) 623-7292 • FACSIMILE (206) 623-0594

## II. STATEMENT OF FACTS

On June 18, 2008, plaintiff filed a complaint for damages against Defendants Kent School District; Kent Youth and Family Services; Dennis Ballinger, and Marnee Crawford.<sup>1</sup> Each defendant was served with a copy of the Complaint and Summons.<sup>2</sup>

The alleged acts and omissions of defendants occurred in King County, Washington.<sup>3</sup> Therefore plaintiff filed her complaint in this Court. Venue is proper in King County Superior Court.

Defendants Kent Youth and Family Services, Marnee Crawford and Dennis Ballinger filed a Notice of Appearance on June 25, 2008 and on July 2, 2008.<sup>4</sup> However, Defendants Kent Youth and Family Services, Crawford and Ballinger did not, and have not, filed an Answer.<sup>5</sup>

On July 10, 2008, plaintiff's counsel sent correspondence to counsel for all defendants requesting that an answer be filed by July 11, 2008.<sup>6</sup> On July 16, 2008 plaintiff's counsel sent a letter to counsel for all defendants acknowledging requests for an extension, and granting defendants an extension to file their answers until July 22, 2008.<sup>7</sup> On July 21, 2008 plaintiff's counsel sent a letter to counsel for Defendants Kent Youth and Family Services, Marnee Crawford and Dennis Ballinger granting one final extension to file an answer, and postponing the deadline until July 29, 2008.<sup>8</sup> To date, no Answer has been filed or served by defendants Kent Youth and Family Services, Marnee Crawford and Dennis Ballinger.<sup>9</sup>

<sup>1</sup> Declaration of Martin D. McLean, hereinafter "McLean Decl." at Ex. A.

<sup>2</sup> McLean Decl., at Ex. B.

<sup>3</sup> McLean Decl., at Ex. A, p. 2.

<sup>4</sup> McLean Decl., at Ex. C.

<sup>5</sup> McLean Decl., p. 2.

<sup>6</sup> McLean Decl. at Ex. E.

<sup>7</sup> McLean Decl. at Ex. E.

<sup>8</sup> McLean Decl. at Ex. E.

<sup>9</sup> McLean Decl., p. 2.

MOTION FOR ORDER OF DEFAULT - 2



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